

33.1 **ARTICLE 2**33.2 **ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES**75.5 **ARTICLE 4**75.6 **ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES**

75.7 Section 1. Minnesota Statutes 2014, section 13.7411, subdivision 8, is amended to read:

75.8 Subd. 8. **Pollution Control Agency.** (a) Hazardous waste generators.

75.9 Information provided by hazardous waste generators under section 473.151 and for which

75.10 confidentiality is claimed is governed by section 116.075, subdivision 2.

75.11 (b) Priority chemicals. Trade secret information and other information submitted

75.12 to the Pollution Control Agency related to priority chemicals in children's products are

75.13 governed by section 116.9408.

75.14 **EFFECTIVE DATE.** This section is effective July 1, 2016.

33.3 Section 1. Minnesota Statutes 2014, section 16A.531, subdivision 1a, is amended to  
33.4 read:

33.5 Subd. 1a. **Revenues.** The following revenues must be deposited in the  
33.6 environmental fund:

33.7 (1) revenue from the motor vehicle transfer fee as provided in section 115A.908,  
33.8 subdivision 2;

33.9 (2) all fees collected under section 116.07, subdivision 4d;

33.10 ~~(3) all money collected by the Pollution Control Agency in enforcement matters~~  
33.11 ~~as provided in section 115.073;~~

33.12 ~~(4)~~ (3) all revenues from license fees for subsurface sewage treatment systems  
33.13 under section 115.56;

33.14 ~~(5)~~ (4) all loan repayments deposited under section 115A.0716;

33.15 ~~(6)~~ (5) all revenue from pollution prevention fees imposed under section 115D.12;

33.16 ~~(7)~~ (6) all loan repayments deposited under section 116.994;

33.17 ~~(8)~~ (7) all fees collected under section 116C.834;

33.18 ~~(9)~~ (8) revenue collected from the solid waste management tax pursuant to chapter  
33.19 297H;

33.20 ~~(10)~~ (9) fees collected under section 473.844;

33.21 ~~(11)~~ (10) interest accrued on the fund; and

33.22 ~~(12)~~ (11) money received in the form of gifts, grants, reimbursement, or appropriation

33.23 from any source for any of the purposes provided in subdivision 2, except federal grants.

33.24 Sec. 2. Minnesota Statutes 2014, section 16C.073, subdivision 2, is amended to read:

33.25 Subd. 2. **Purchases; printing.** (a) Whenever practicable, a public entity shall:

33.26 (1) purchase uncoated copy paper, office paper, and printing paper;

33.27 (2) purchase recycled content copy paper with at least ~~ten~~ 30 percent postconsumer

33.28 material by weight and purchase printing and office paper with at least ten percent

33.29 postconsumer material by weight;

33.30 (3) purchase copy, office, and printing paper which has not been dyed with colors,

33.31 excluding pastel colors;

33.32 (4) purchase recycled content copy, office, and printing paper that is manufactured

33.33 using little or no chlorine bleach or chlorine derivatives;

34.1 ~~(5) use no more than two colored inks, standard or processed, except in formats~~

34.2 ~~where they are necessary to convey meaning~~;

34.3 ~~(6)~~ (5) use reusable binding materials or staples and bind documents by methods

34.4 that do not use glue;

34.5 ~~(7)~~ (6) use soy-based inks;

34.6 ~~(8)~~ (7) produce reports, publications, and periodicals that are readily recyclable

34.7 ~~within the state resource recovery program~~; and

34.8 ~~(9)~~ (8) purchase paper which has been made on a paper machine located in Minnesota.

34.9 (b) Paragraph (a), clause (1), does not apply to coated paper that is made with at

34.10 least 50 percent postconsumer material.

34.11 (c) A public entity shall print documents on both sides of the paper where commonly

34.12 accepted publishing practices allow.

34.13 ~~(d) Notwithstanding paragraph (a), clause (2), and section 16C.0725, copier paper~~

34.14 ~~purchased by a state agency must contain at least ten percent postconsumer material by~~

34.15 ~~fiber content.~~

34.16 Sec. 3. Minnesota Statutes 2014, section 84.415, subdivision 7, is amended to read:

34.17 Subd. 7. **~~Existing road right-of-way; Fee exemption.~~** (a) A utility license for

34.18 crossing public lands or public waters is exempt from all application fees specified in this

34.19 section and in rules adopted under this section ~~when the utility crossing is on an existing~~

34.20 ~~right-of-way of a public road.~~

34.21 (b) This subdivision applies to telephone lines and to electric power lines, cables,

34.22 or conduits under 100 kilovolts.

34.23 (c) This subdivision does not apply to electric power lines, cables, or conduits 100

34.24 kilovolts or greater or to mains or pipelines for gas, liquids, or solids in suspension.

75.15 Sec. 2. Minnesota Statutes 2014, section 84.415, subdivision 7, is amended to read:

75.16 Subd. 7. **~~Existing road right-of-way; Application fee exemption.~~** (a) A utility

75.17 license for crossing public lands or public waters is exempt from all application fees

75.18 specified in this section and in rules adopted under this section ~~when the utility crossing is~~

75.19 ~~on an existing right-of-way of a public road.~~

75.20 (b) This subdivision does not apply to electric power lines, cables, or conduits 100

75.21 kilovolts or greater or to main pipelines for gas, liquids, or solids in suspension.

34.25 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2014, and  
 34.26 does not authorize the retroactive collection of fees.

34.27 Sec. 4. **[84.69] NATURAL RESOURCES CONSERVATION EASEMENT**  
 34.28 **STEWARDSHIP ACCOUNT.**

34.29 Subdivision 1. **Account established; sources.** The natural resources conservation  
 34.30 easement stewardship account is created in the special revenue fund. The account consists  
 34.31 of money credited to the account and interest and other earnings on money in the account.  
 34.32 The State Board of Investment must manage the account to maximize long-term gain. The  
 34.33 following revenue must be deposited in the natural resources conservation easement  
 34.34 stewardship account:

- 35.1 (1) contributions to the account or specified for any purpose of the account;
- 35.2 (2) contributions under subdivision 3; section 84.66, subdivision 11; or other
- 35.3 applicable law;
- 35.4 (3) money appropriated for any of the purposes described in subdivision 2;
- 35.5 (4) money appropriated for monitoring and enforcement of easements and earnings
- 35.6 on the money appropriated that revert to the state under section 97A.056, subdivision
- 35.7 17, or other applicable law; and
- 35.8 (5) gifts under section 84.085 for conservation easement stewardship.

35.9 Subd. 2. **Appropriation; purposes of account.** Five percent of the balance on  
 35.10 July 1 of each year in the natural resources conservation easement stewardship account  
 35.11 is annually appropriated to the commissioner of natural resources and may be spent  
 35.12 only to cover the costs of managing conservation easements held by the Department  
 35.13 of Natural Resources, including costs associated with monitoring, landowner contacts,  
 35.14 records storage and management, processing landowner notices, requests for approval  
 35.15 or amendments, enforcement, and legal services associated with conservation easement  
 35.16 management activities.

35.17 Subd. 3. **Financial contributions.** The commissioner shall seek a financial  
 35.18 contribution to the natural resources conservation easement stewardship account for each  
 35.19 conservation easement acquired by or assigned to the Department of Natural Resources.  
 35.20 Unless otherwise provided by law, the commissioner shall determine the amount of the  
 35.21 contribution, which must be an amount calculated to earn sufficient money to meet  
 35.22 the costs of managing the conservation easement at a level that neither significantly  
 35.23 overrecovers nor underrecovers the costs. In determining the amount of the financial  
 35.24 contribution, the commissioner shall consider:

- 35.25 (1) the estimated annual staff hours needed to manage the conservation easement,
- 35.26 taking into consideration factors such as easement type, size, location, and complexity;

75.22 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2014.

75.23 Sec. 3. **[84.69] NATURAL RESOURCES CONSERVATION EASEMENT**  
 75.24 **STEWARDSHIP ACCOUNT.**

75.25 Subdivision 1. **Account established; sources.** The natural resources conservation  
 75.26 easement stewardship account is created in the special revenue fund. The account consists  
 75.27 of money credited to the account and interest and other earnings on money in the account.  
 75.28 The State Board of Investment must manage the account to maximize long-term gain. The  
 75.29 following revenue must be deposited in the natural resources conservation easement  
 75.30 stewardship account:

- 75.31 (1) contributions to the account or specified for any purpose of the account;
- 76.1 (2) contributions under subdivision 3; section 84.66, subdivision 11; or other
- 76.2 applicable law;
- 76.3 (3) money appropriated for any of the purposes described in subdivision 2;
- 76.4 (4) money appropriated for monitoring and enforcement of easements and earnings
- 76.5 on the money appropriated that revert to the state under section 97A.056, subdivision
- 76.6 17, or other applicable law; and
- 76.7 (5) gifts under section 84.085 for conservation easement stewardship.

76.8 Subd. 2. **Appropriation; purposes of account.** Five percent of the balance on  
 76.9 July 1 of each year in the natural resources conservation easement stewardship account  
 76.10 is annually appropriated to the commissioner of natural resources and may be spent  
 76.11 only to cover the costs of managing conservation easements held by the Department  
 76.12 of Natural Resources, including costs associated with monitoring, landowner contacts,  
 76.13 records storage and management, processing landowner notices, requests for approval  
 76.14 or amendments, enforcement, and legal services associated with conservation easement  
 76.15 management activities.

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 76.17 contribution to the natural resources conservation easement stewardship account for each  
 76.18 conservation easement acquired by or assigned to the Department of Natural Resources.  
 76.19 Unless otherwise provided by law, the commissioner shall determine the amount of the  
 76.20 contribution, which must be an amount calculated to earn sufficient money to meet  
 76.21 the costs of managing the conservation easement at a level that neither significantly  
 76.22 overrecovers nor underrecovers the costs. In determining the amount of the financial  
 76.23 contribution, the commissioner shall consider:

- 76.24 (1) the estimated annual staff hours needed to manage the conservation easement,
- 76.25 taking into consideration factors such as easement type, size, location, and complexity;

35.27 (2) the average hourly wages for the class or classes of employees expected to  
 35.28 manage the conservation easement;  
 35.29 (3) the estimated annual travel expenses to manage the conservation easement;  
 35.30 (4) the estimated annual miscellaneous costs to manage the conservation easement,  
 35.31 including supplies and equipment, information technology support, and aerial flyovers;  
 35.32 (5) the estimated annualized cost of legal services, including the cost to enforce the  
 35.33 easement in the event of a violation; and  
 35.34 (6) the expected rate of return on investments in the account.

35.35 **EFFECTIVE DATE.** Subdivisions 1 and 2 of this section are effective the day  
 35.36 following final enactment. Subdivision 3 of this section is effective for conservation  
 36.1 easements acquired with money appropriated on or after July 1, 2015, and for acquisitions  
 36.2 of conservation easements by gift that are initiated on or after July 1, 2015.

36.3 Sec. 5. Minnesota Statutes 2014, section 84.788, subdivision 5, is amended to read:

36.4 Subd. 5. **Report of ownership transfers; fee.** ~~A person who sells or transfers (a)~~  
 36.5 Application for transfer of ownership of an off-highway motorcycle registered under  
 36.6 this section shall report the sale or transfer must be made to the commissioner within  
 36.7 15 days of the date of transfer.

36.8 (b) An application for transfer must be executed by the registered owner and the  
 36.9 buyer on a form prescribed by the commissioner with the owner's registration certificate,  
 36.10 purchaser using a bill of sale, and a \$4 fee that includes the vehicle serial number.

36.11 (c) The purchaser is subject to the penalties imposed by section 84.774 if the  
 36.12 purchaser fails to apply for transfer of ownership as provided under this subdivision.

36.13 **EFFECTIVE DATE.** This section is effective January 1, 2016.

36.14 Sec. 6. Minnesota Statutes 2014, section 84.788, is amended by adding a subdivision  
 36.15 to read:

36.16 Subd. 5a. **Report of registration transfers.** (a) Application for transfer of  
 36.17 registration under this section must be made to the commissioner within 15 days of the  
 36.18 date of transfer.

36.19 (b) An application for transfer must be executed by the registered owner and the  
 36.20 purchaser using a bill of sale that includes the vehicle serial number.

36.21 (c) The purchaser is subject to the penalties imposed by section 84.774 if the  
 36.22 purchaser fails to apply for transfer of registration as provided under this subdivision.

76.26 (2) the average hourly wages for the class or classes of employees expected to  
 76.27 manage the conservation easement;  
 76.28 (3) the estimated annual travel expenses to manage the conservation easement;  
 76.29 (4) the estimated annual miscellaneous costs to manage the conservation easement,  
 76.30 including supplies and equipment, information technology support, and aerial flyovers;  
 76.31 (5) the estimated annualized cost of legal services, including the cost to enforce the  
 76.32 easement in the event of a violation; and  
 76.33 (6) the expected rate of return on investments in the account.

76.34 **EFFECTIVE DATE.** Subdivisions 1 and 2 of this section are effective the day  
 76.35 following final enactment. Subdivision 3 of this section is effective for conservation  
 77.1 easements acquired with money appropriated on or after July 1, 2015, and for acquisitions  
 77.2 of conservation easements by gift that are initiated on or after July 1, 2015.

36.23 **EFFECTIVE DATE.** This section is effective January 1, 2016.

36.24 Sec. 7. **[84.8031] GRANT-IN-AID APPLICATIONS; REVIEW PERIOD.**

36.25 The commissioner must review an off-road vehicle grant-in-aid application and, if  
 36.26 approved, commence public review of the application within 60 days after the application  
 36.27 has been locally approved and submitted to an area parks and trails office. If the  
 36.28 commissioner fails to approve or deny the application within 60 days after submission,  
 36.29 the application is deemed approved and the commissioner must provide for a 30-day  
 36.30 public review period.

36.31 Sec. 8. Minnesota Statutes 2014, section 84.82, subdivision 6, is amended to read:

37.1 Subd. 6. **Exemptions.** Registration is not required under this section for:

37.2 (1) a snowmobile owned and used by the United States, an Indian tribal government,  
 37.3 another state, or a political subdivision thereof;

37.4 (2) a snowmobile registered in a country other than the United States temporarily  
 37.5 used within this state;

37.6 (3) a snowmobile that is covered by a valid license of another state and has not been  
 37.7 within this state for more than 30 consecutive days or that is registered by an Indian tribal  
 37.8 government to a tribal member and has not been outside the tribal reservation boundary  
 37.9 for more than 30 consecutive days;

37.10 (4) a snowmobile used exclusively in organized track racing events;

37.11 (5) a snowmobile in transit by a manufacturer, distributor, or dealer;

37.12 (6) a snowmobile at least 15 years old in transit by an individual for use only on  
 37.13 land owned or leased by the individual; or

77.3 Sec. 4. Minnesota Statutes 2014, section 84.82, subdivision 2a, is amended to read:

77.4 Subd. 2a. **Nontrail use registration.** A snowmobile may be registered for nontrail  
 77.5 use. A snowmobile registered under this subdivision may not be operated on a state or  
 77.6 grant-in-aid snowmobile trail. The fee for a nontrail use registration of a snowmobile with  
 77.7 an engine displacement that is greater than 125 cubic centimeters is \$45 for three years. A  
 77.8 nontrail use registration is not transferable. In addition to other penalties prescribed by  
 77.9 law, the penalty for violation of this subdivision is immediate revocation of the nontrail  
 77.10 use registration. The commissioner shall ensure that the registration sticker provided for  
 77.11 limited nontrail use is of a different color and is distinguishable from other snowmobile  
 77.12 registration and state trail stickers provided.

77.13 Sec. 5. Minnesota Statutes 2014, section 84.82, subdivision 6, is amended to read:

77.14 Subd. 6. **Exemptions.** Registration is not required under this section for:

77.15 (1) a snowmobile owned and used by the United States, an Indian tribal government,  
 77.16 another state, or a political subdivision thereof;

77.17 (2) a snowmobile registered in a country other than the United States temporarily  
 77.18 used within this state;

77.19 (3) a snowmobile that is covered by a valid license of another state and has not been  
 77.20 within this state for more than 30 consecutive days or that is registered by an Indian tribal  
 77.21 government to a tribal member and has not been outside the tribal reservation boundary  
 77.22 for more than 30 consecutive days;

77.23 (4) a snowmobile used exclusively in organized track racing events;

77.24 (5) a snowmobile in transit by a manufacturer, distributor, or dealer;

77.25 (6) a snowmobile at least 15 years old in transit by an individual for use only on  
 77.26 land owned or leased by the individual; or

37.14 (7) a snowmobile while being used to groom a state or grant-in-aid trail; or

37.15 (8) a snowmobile with an engine displacement that is less than 125 cubic centimeters

37.16 provided the snowmobile is not operated on state or grant-in-aid snowmobile trails.

37.17 Sec. 9. Minnesota Statutes 2014, section 84.84, is amended to read:

37.18 **84.84 TRANSFER OR TERMINATION OF SNOWMOBILE OWNERSHIP.**

37.19 (a) Within 15 days after the transfer of ownership, or any part thereof, other than a

37.20 security interest, or the destruction or abandonment of any snowmobile, written notice

37.21 thereof of the transfer or destruction or abandonment shall be given to the commissioner

37.22 in such form as the commissioner shall prescribe.

37.23 (b) An application for transfer must be executed by the registered owner and the

37.24 purchaser using a bill of sale that includes the vehicle serial number.

37.25 (c) The purchaser is subject to the penalties imposed by section 84.88 if the purchaser

37.26 fails to apply for transfer of ownership as provided under this subdivision. Every owner

37.27 or part owner of a snowmobile shall, upon failure to give such notice of destruction or

37.28 abandonment, be subject to the penalties imposed by Laws 1967, chapter 876 section 84.88.

37.29 **EFFECTIVE DATE.** This section is effective July 1, 2016.

37.30 Sec. 10. Minnesota Statutes 2014, section 84.92, subdivision 8, is amended to read:

37.31 Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means

37.32 a motorized vehicle of with: (1) not less than three, but not more than six low pressure

37.33 or non-pneumatic tires, that is limited in engine displacement of less than 1,000 cubic

38.1 centimeters and; (2) a total dry weight of 2,000 pounds or less; and (3) a total width

38.2 from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle

38.3 includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does

38.4 not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used

38.5 specifically for lawn maintenance, agriculture, logging, or mining purposes.

38.6 Sec. 11. Minnesota Statutes 2014, section 84.92, subdivision 9, is amended to read:

38.7 Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an

38.8 all-terrain vehicle that has a total dry weight of less than 1,200 pounds width from outside

38.9 of tire rim to outside of tire rim that is 50 inches or less.

38.10 Sec. 12. Minnesota Statutes 2014, section 84.92, subdivision 10, is amended to read:

38.11 Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an

38.12 all-terrain vehicle that has a total dry weight of 1,200 to 1,800 pounds width from outside

38.13 of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

77.27 (7) a snowmobile while being used to groom a state or grant-in-aid trail; or

77.28 (8) a snowmobile with an engine displacement that is 125 cubic centimeters or less

77.29 and the snowmobile is not operated on a state or grant-in-aid trail.

77.30 Sec. 6. Minnesota Statutes 2014, section 84.92, subdivision 8, is amended to read:

77.31 Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means

77.32 a motorized vehicle of with: (1) not less than three, but not more than six low pressure

77.33 or non-pneumatic tires, that is limited in engine displacement of less than 1,000 cubic

78.1 centimeters and; (2) a total dry weight of 2,000 pounds or less; and (3) a total width

78.2 from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle

78.3 includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does

78.4 not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used

78.5 specifically for lawn maintenance, agriculture, logging, or mining purposes.

78.6 Sec. 7. Minnesota Statutes 2014, section 84.92, subdivision 9, is amended to read:

78.7 Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an

78.8 all-terrain vehicle that has a total dry weight of less than 1,200 pounds width from outside

78.9 of tire rim to outside of tire rim that is 50 inches or less.

78.10 Sec. 8. Minnesota Statutes 2014, section 84.92, subdivision 10, is amended to read:

78.11 Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an

78.12 all-terrain vehicle that has a total dry weight of 1,200 to 1,800 pounds width from outside

78.13 of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

38.14 Sec. 13. Minnesota Statutes 2014, section 84.922, subdivision 4, is amended to read:

38.15 Subd. 4. **Report of transfers.** ~~A person who sells or transfers ownership of a~~

38.16 ~~vehicle registered under this section shall report the sale or~~ (a) Application for transfer of

38.17 ownership must be made to the commissioner within 15 days of the date of transfer.

38.18 (b) An application for transfer must be executed by the registered owner and

38.19 the purchaser on a form prescribed by the commissioner with the owner's registration

38.20 certificate, using a bill of sale and a \$4 fee that includes the vehicle serial number.

38.21 (c) The purchaser is subject to the penalties imposed by section 84.774 if the

38.22 purchaser fails to apply for transfer of ownership as provided under this subdivision.

38.23 **EFFECTIVE DATE.** This section is effective January 1, 2016.

78.14 Sec. 9. Minnesota Statutes 2014, section 84.922, subdivision 5, is amended to read:

78.15 Subd. 5. **Fees for registration.** (a) The fee for a three-year registration of

78.16 an all-terrain vehicle under this section, other than those registered by a dealer or

78.17 manufacturer under paragraph (b) or (c), is:

78.18 (1) for public use, \$45 for class 1 all-terrain vehicles and \$48 for class 2 all-terrain

78.19 vehicles;

78.20 (2) for private use, \$6; and

78.21 (3) for a duplicate or transfer, \$4.

78.22 (b) The total registration fee for all-terrain vehicles owned by a dealer and operated for

78.23 demonstration or testing purposes is \$50 per year. Dealer registrations are not transferable.

78.24 (c) The total registration fee for all-terrain vehicles owned by a manufacturer and

78.25 operated for research, testing, experimentation, or demonstration purposes is \$150 per

78.26 year. Manufacturer registrations are not transferable.

78.27 (d) The onetime fee for registration of an all-terrain vehicle under subdivision 2b is \$6.

78.28 (e) The fees collected under this subdivision must be credited to the all-terrain

78.29 vehicle account.

38.24 Sec. 14. Minnesota Statutes 2014, section 84.925, subdivision 5, is amended to read:

38.25 Subd. 5. **Training requirements.** (a) An individual who was born after July 1,

38.26 1987, and who is 16 years of age or older, must successfully complete the independent

38.27 study course component of all-terrain vehicle safety training before operating an all-terrain

38.28 vehicle on public lands or waters, public road rights-of-way, or state or grant-in-aid trails.

38.29 (b) An individual who is convicted of violating a law related to the operation of an  
38.30 all-terrain vehicle must successfully complete the independent study course component of  
38.31 all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

39.1 (c) An individual who is convicted for a second or subsequent excess speed, trespass,  
39.2 or wetland violation in an all-terrain vehicle season, or any conviction for careless or  
39.3 reckless operation of an all-terrain vehicle, must successfully complete the independent  
39.4 study and the testing and operating course components of all-terrain vehicle safety training  
39.5 before continuing operation of an all-terrain vehicle.

39.6 (d) An individual who receives three or more citations and convictions for violating a  
39.7 law related to the operation of an all-terrain vehicle in a two-year period must successfully  
39.8 complete the independent study and the testing and operating course components of  
39.9 all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

39.10 (e) An individual must present evidence of compliance with this subdivision before  
39.11 an all-terrain vehicle registration is issued or renewed. A person may use the following as  
39.12 evidence of meeting all-terrain vehicle safety certificate requirements:

39.13 (1) a valid all-terrain vehicle safety certificate issued by the commissioner;

39.14 (2) a driver's license that has a valid all-terrain vehicle safety certificate indicator

39.15 issued under section 171.07, subdivision 18; or

39.16 (3) an identification card that has a valid all-terrain vehicle safety certificate indicator

39.17 issued under section 171.07, subdivision 18.

39.18 **EFFECTIVE DATE.** This section is effective January 1, 2016, or the date the new  
39.19 driver and vehicle services information technology system is implemented, whichever  
39.20 comes later.

39.21 Sec. 15. Minnesota Statutes 2014, section 84.9256, subdivision 1, is amended to read:

39.22 Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on  
39.23 public road rights-of-way that is permitted under section 84.928 and as provided under  
39.24 paragraph (j), a driver's license issued by the state or another state is required to operate an  
39.25 all-terrain vehicle along or on a public road right-of-way.

39.26 (b) A person under 12 years of age shall not:

39.27 (1) make a direct crossing of a public road right-of-way;

39.28 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or

39.29 (3) operate an all-terrain vehicle on public lands or waters, except as provided in  
39.30 paragraph (f).



39.31 (c) Except for public road rights-of-way of interstate highways, a person 12 years  
39.32 of age but less than 16 years may make a direct crossing of a public road right-of-way  
39.33 of a trunk, county state-aid, or county highway or operate on public lands and waters or  
39.34 state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety  
40.1 certificate issued by the commissioner and is accompanied by a person 18 years of age or  
40.2 older who holds a valid driver's license.

40.3 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years  
40.4 old, but less than 16 years old, must:

40.5 (1) successfully complete the safety education and training program under section  
40.6 84.925, subdivision 1, including a riding component; and

40.7 (2) be able to properly reach and control the handle bars and reach the foot pegs  
40.8 while sitting upright on the seat of the all-terrain vehicle.

40.9 (e) A person at least 11 years of age may take the safety education and training  
40.10 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but  
40.11 the certificate is not valid until the person reaches age 12.

40.12 (f) A person at least ten years of age but under 12 years of age may operate an  
40.13 all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if  
40.14 accompanied by a parent or legal guardian.

40.15 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

40.16 (h) A person under the age of 16 may not operate an all-terrain vehicle on public  
40.17 lands or waters or on state or grant-in-aid trails if the person cannot properly reach and  
40.18 control the handle bars and reach the foot pegs while sitting upright on the seat of the  
40.19 all-terrain vehicle.

40.20 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than  
40.21 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county  
40.22 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters  
40.23 or state or grant-in-aid trails if:

40.24 (1) the nonresident youth has in possession evidence of completing an all-terrain  
40.25 safety course offered by the ATV Safety Institute or another state as provided in section  
40.26 84.925, subdivision 3; and

40.27 (2) the nonresident youth is accompanied by a person 18 years of age or older who  
40.28 holds a valid driver's license.

40.29 (j) A person 12 years of age but less than 16 years of age may operate an all-terrain  
40.30 vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted  
40.31 under section 84.928 if the person:

40.32 (1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner;  
40.33 and

40.34 (2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

40.35 Sec. 16. Minnesota Statutes 2014, section 84.928, subdivision 1, is amended to read:

41.1 Subdivision 1. **Operation on roads and rights-of-way.** (a) Unless otherwise

41.2 allowed in sections 84.92 to 84.928 or by local ordinance under paragraph (k), a person shall

41.3 not operate an all-terrain vehicle in this state along or on the roadway, shoulder, or inside

41.4 bank or slope of a public road right-of-way of a trunk, county state-aid, or county highway.

41.5 (b) A person may operate a class 1 all-terrain vehicle in the ditch or the outside

41.6 bank or slope of a trunk, county state-aid, or county highway unless prohibited under

41.7 paragraph (d) or (f).

41.8 (c) A person may operate a class 1 all-terrain vehicle designed by the manufacturer

41.9 for off-road use to be driven by a steering wheel and equipped with operator and passenger

41.10 seat belts and a roll-over protective structure or a class 2 all-terrain vehicle:

41.11 (1) within the public road right-of-way of a county state-aid or county highway on

41.12 the right shoulder or the extreme right-hand side of the road and left turns may be made

41.13 from any part of the road if it is safe to do so under the prevailing conditions, unless

41.14 prohibited under paragraph (d) or (f);

41.15 (2) on the bank, slope, or ditch of a public road right-of-way of a trunk, county

41.16 state-aid, or county highway but only to access businesses or make trail connections, and

41.17 left turns may be made from any part of the road if it is safe to do so under the prevailing

41.18 conditions, unless prohibited under paragraph (d) or (f); and

41.19 (3) on the bank or ditch of a public road right-of-way on a designated class 2

41.20 all-terrain vehicle trail.

41.21 (d) A road authority as defined under section 160.02, subdivision 25, may after a

41.22 public hearing restrict the use of all-terrain vehicles in the public road right-of-way under

41.23 its jurisdiction.

41.24 (e) The restrictions in paragraphs (a), (d), (h), (i), and (j) do not apply to the

41.25 operation of an all-terrain vehicle on the shoulder, inside bank or slope, ditch, or outside

41.26 bank or slope of a trunk, interstate, county state-aid, or county highway:

41.27 (1) that is part of a funded grant-in-aid trail; or

41.28 (2) when the all-terrain vehicle is owned by or operated under contract with;

41.29 (i) a road authority as defined under section 160.02, subdivision 25; or

41.30 (ii) a publicly or privately owned utility or pipeline company and used for work

41.31 on utilities or pipelines.

41.32 (f) The commissioner may limit the use of a right-of-way for a period of time if the  
41.33 commissioner determines that use of the right-of-way causes:

41.34 (1) degradation of vegetation on adjacent public property;

41.35 (2) siltation of waters of the state;

41.36 (3) impairment or enhancement to the act of taking game; or

42.1 (4) a threat to safety of the right-of-way users or to individuals on adjacent public  
42.2 property.

42.3 The commissioner must notify the road authority as soon as it is known that a closure  
42.4 will be ordered. The notice must state the reasons and duration of the closure.

42.5 (g) A person may operate an all-terrain vehicle registered for private use and used  
42.6 for agricultural purposes on a public road right-of-way of a trunk, county state-aid, or  
42.7 county highway in this state if the all-terrain vehicle is operated on the extreme right-hand  
42.8 side of the road, and left turns may be made from any part of the road if it is safe to do so  
42.9 under the prevailing conditions.

42.10 (h) A person shall not operate an all-terrain vehicle within the public road  
42.11 right-of-way of a trunk, county state-aid, or county highway from April 1 to August 1 in  
42.12 the agricultural zone unless the vehicle is being used exclusively as transportation to and  
42.13 from work on agricultural lands. This paragraph does not apply to an agent or employee  
42.14 of a road authority, as defined in section 160.02, subdivision 25, or the Department of  
42.15 Natural Resources when performing or exercising official duties or powers.

42.16 (i) A person shall not operate an all-terrain vehicle within the public road right-of-way  
42.17 of a trunk, county state-aid, or county highway between the hours of one-half hour after  
42.18 sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way  
42.19 and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.

42.20 (j) A person shall not operate an all-terrain vehicle at any time within the  
42.21 right-of-way of an interstate highway or freeway within this state.

42.22 (k) A county, city, or town, acting through its governing body, may by ordinance  
42.23 allow a person to operate an all-terrain vehicle on a public road or street under its  
42.24 jurisdiction to access businesses and residences and to make trail connections.

42.25 **EFFECTIVE DATE.** The amendments to paragraph (e) of this section are effective  
42.26 the day following final enactment.

42.27 Sec. 17. Minnesota Statutes 2014, section 84D.01, is amended by adding a subdivision  
42.28 to read:

78.30 Sec. 10. Minnesota Statutes 2014, section 84D.01, is amended by adding a subdivision  
78.31 to read:

42.29 Subd. 1a. **Aquatic invasive species affirmation.** "Aquatic invasive species  
42.30 affirmation" means an affirmation of the summary of the aquatic invasive species laws of  
42.31 this chapter that is part of watercraft licenses and nonresident fishing licenses, as provided  
42.32 in section 84D.106.

42.33 **EFFECTIVE DATE.** This section is effective January 1, 2016.

43.1 Sec. 18. Minnesota Statutes 2014, section 84D.01, subdivision 13, is amended to read:

43.2 Subd. 13. **Prohibited invasive species.** "Prohibited invasive species" means a  
43.3 nonnative species that has been listed designated as a prohibited invasive species in a rule  
43.4 adopted by the commissioner under section 84D.12.

43.5 Sec. 19. Minnesota Statutes 2014, section 84D.01, subdivision 15, is amended to read:

43.6 Subd. 15. **Regulated invasive species.** "Regulated invasive species" means a  
43.7 nonnative species that has been listed designated as a regulated invasive species in a rule  
43.8 adopted by the commissioner under section 84D.12.

43.9 Sec. 20. Minnesota Statutes 2014, section 84D.01, subdivision 17, is amended to read:

43.10 Subd. 17. **Unlisted nonnative species.** "Unlisted nonnative species" means a  
43.11 nonnative species that has not been listed designated as a prohibited invasive species, a  
43.12 regulated invasive species, or an unregulated nonnative species in a rule adopted by the  
43.13 commissioner under section 84D.12.

43.14 Sec. 21. Minnesota Statutes 2014, section 84D.01, subdivision 18, is amended to read:

43.15 Subd. 18. **Unregulated nonnative species.** "Unregulated nonnative species" means  
43.16 a nonnative species that has been listed designated as an unregulated nonnative species in  
43.17 a rule adopted by the commissioner under section 84D.12.

43.18 Sec. 22. Minnesota Statutes 2014, section 84D.06, is amended to read:

43.19 **84D.06 UNLISTED NONNATIVE SPECIES.**

43.20 Subdivision 1. **Process.** A person may not introduce an unlisted nonnative aquatic  
43.21 plant or wild animal species unless:

43.22 (1) the person has notified the commissioner in a manner and form prescribed by  
43.23 the commissioner;

43.24 (2) the commissioner has made the classification determination required in  
43.25 subdivision 2 and listed designated the species as appropriate; and

43.26 (3) the introduction is allowed under the applicable provisions of this chapter.

79.1 Subd. 1a. **Aquatic invasive species affirmation.** "Aquatic invasive species  
79.2 affirmation" means an affirmation of the summary of the aquatic invasive species laws of  
79.3 this chapter that is part of watercraft licenses and nonresident fishing licenses, as provided  
79.4 in section 84D.106.

79.5 **EFFECTIVE DATE.** This section is effective January 1, 2016.

43.27 Subd. 2. **Classification.** (a) If the commissioner determines that a species for which  
43.28 a notification is received under subdivision 1 should be classified as a prohibited invasive  
43.29 species, the commissioner shall:

43.30 (1) adopt a rule under section 84D.12, subdivision 3, listing designating the species  
43.31 as a prohibited invasive species; and

44.1 (2) notify the person from which the notification was received that the species is  
44.2 subject to section 84D.04.

44.3 (b) If the commissioner determines that a species for which a notification is  
44.4 received under subdivision 1 should be classified as an unregulated nonnative species,  
44.5 the commissioner shall:

44.6 (1) adopt a rule under section 84D.12, subdivision 3, listing designating the species  
44.7 as an unregulated nonnative species; and

44.8 (2) notify the person from which the notification was received that the species is not  
44.9 subject to regulation under this chapter.

44.10 (c) If the commissioner determines that a species for which a notification is received  
44.11 under subdivision 1 should be classified as a regulated invasive species, the commissioner  
44.12 shall notify the applicant that the species is subject to the requirements in section 84D.07.

44.13 Sec. 23. Minnesota Statutes 2014, section 84D.10, subdivision 3, is amended to read:

44.14 Subd. 3. **Removal and confinement.** (a) A conservation officer or other licensed  
44.15 peace officer may order:

44.16 (1) the removal of aquatic macrophytes or prohibited invasive species from  
44.17 water-related equipment, including decontamination using hot water or high pressure  
44.18 equipment when available on site, before it the water-related equipment is transported or  
44.19 before it is placed into waters of the state;

44.20 (2) confinement of the water-related equipment at a mooring, dock, or other location  
44.21 until the water-related equipment is removed from the water;

44.22 (3) removal of water-related equipment from waters of the state to remove prohibited  
44.23 invasive species if the water has not been listed by the commissioner as being infested  
44.24 with that species; ~~and~~

44.25 (4) a prohibition on placing water-related equipment into waters of the state when  
44.26 the water-related equipment has aquatic macrophytes or prohibited invasive species  
44.27 attached in violation of subdivision 1 or when water has not been drained or the drain plug  
44.28 has not been removed in violation of subdivision 4-; and

44.29 (5) decontamination of water-related equipment when available on site.

44.30 (b) An order for removal of prohibited invasive species under paragraph (a), clause  
44.31 (1), or decontamination of water-related equipment under paragraph (a), clause (5),  
44.32 may include tagging the water-related equipment and issuing a notice that specifies  
44.33 a time frame for completing the removal or decontamination and reinspection of the  
44.34 water-related equipment.

45.1 ~~(b)~~ (c) An inspector who is not a licensed peace officer may issue orders under  
45.2 paragraph (a), clauses (1), (3), ~~and (4), and (5).~~

45.3 Sec. 24. **[84D.106] AQUATIC INVASIVE SPECIES AFFIRMATION.**

45.4 Aquatic invasive species affirmation is required for all:

45.5 (1) watercraft licenses issued under section 86B.401; and

45.6 (2) all nonresident fishing licenses, as provided in section 97C.301, subdivision 2a.

45.7 **EFFECTIVE DATE.** Clause (1) of this section is effective January 1, 2016, and

45.8 clause (2) of this section is effective March 1, 2016.

45.9 Sec. 25. Minnesota Statutes 2014, section 84D.11, subdivision 1, is amended to read:

45.10 Subdivision 1. **Prohibited invasive species.** The commissioner may issue a permit  
45.11 for the propagation, possession, importation, purchase, or transport of a prohibited invasive  
45.12 species for the purposes of disposal, decontamination, control, research, or education.

45.13 Sec. 26. Minnesota Statutes 2014, section 84D.12, subdivision 1, is amended to read:

45.14 Subdivision 1. **Required rules.** The commissioner shall adopt rules:

45.15 ~~(1) listing~~ (1) designating prohibited invasive species, regulated invasive species, and  
45.16 unregulated nonnative species of aquatic plants and wild animals;

45.17 (2) governing the application for and issuance of permits under this chapter, which  
45.18 rules may include a fee schedule; and

45.19 (3) governing notification under section 84D.08.

45.20 Sec. 27. Minnesota Statutes 2014, section 84D.12, subdivision 3, is amended to read:

45.21 Subd. 3. **Expedited rules.** The commissioner may adopt rules under section 84.027,  
45.22 subdivision 13, that list designate:

45.23 (1) prohibited invasive species of aquatic plants and wild animals;

45.24 (2) regulated invasive species of aquatic plants and wild animals; and

45.25 (3) unregulated nonnative species of aquatic plants and wild animals.

79.6 Sec. 11. **[84D.106] AQUATIC INVASIVE SPECIES AFFIRMATION.**

79.7 Aquatic invasive species affirmation is required for all:

79.8 (1) watercraft licenses issued under section 86B.401; and

79.9 (2) all nonresident fishing licenses, as provided in section 97C.301, subdivision 2a.

79.10 **EFFECTIVE DATE.** Clause (1) of this section is effective January 1, 2016. Clause

79.11 (2) of this section is effective March 1, 2016.

45.26 Sec. 28. Minnesota Statutes 2014, section 84D.13, subdivision 5, is amended to read:

45.27 Subd. 5. **Civil penalties.** (a) A civil citation issued under this section must impose  
45.28 the following penalty amounts:

45.29 (1) for transporting aquatic macrophytes in violation of section 84D.09, \$100;

45.30 (2) for placing or attempting to place into waters of the state water-related equipment  
45.31 that has aquatic macrophytes attached, \$200;

46.1 (3) for unlawfully possessing or transporting a prohibited invasive species other  
46.2 than an aquatic macrophyte, \$500;

46.3 (4) for placing or attempting to place into waters of the state water-related equipment  
46.4 that has prohibited invasive species attached when the waters are not listed by the  
46.5 commissioner as being infested with that invasive species, \$500;

46.6 (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as  
46.7 prescribed by rule, Eurasian water milfoil, \$100;

46.8 (6) for failing to have drain plugs or similar devices removed or opened while  
46.9 transporting water-related equipment or for failing to remove plugs, open valves, and  
46.10 drain water from water-related equipment, other than marine sanitary systems, before  
46.11 leaving waters of the state, \$100; ~~and~~

46.12 (7) for transporting infested water off riparian property without a permit as required  
46.13 by rule, \$200; and

46.14 (8) for failing to have aquatic invasive species affirmation displayed or available for  
46.15 inspection as provided in sections 86B.401 and 97C.301, subdivision 2a, \$25.

46.16 (b) A civil citation that is issued to a person who has one or more prior convictions  
46.17 or final orders for violations of this chapter is subject to twice the penalty amounts listed  
46.18 in paragraph (a).

46.19 Sec. 29. Minnesota Statutes 2014, section 84D.15, subdivision 3, is amended to read:

46.20 Subd. 3. **Use of money in account.** Money credited to the invasive species account  
46.21 in subdivision 2 shall be used for management of invasive species and implementation of  
46.22 this chapter as it pertains to invasive species, including control, public awareness, law  
46.23 enforcement, assessment and monitoring, management planning, habitat improvements,  
46.24 and research.

46.25 Sec. 30. [84D.16] COUNTY AQUATIC INVASIVE SPECIES PREVENTION  
46.26 GRANTS.

46.27 Subdivision 1. **Definitions.** (a) When used in this section, the following terms  
46.28 have the meanings given them.

79.12 Sec. 12. Minnesota Statutes 2014, section 84D.13, subdivision 5, is amended to read:

79.13 Subd. 5. **Civil penalties.** (a) A civil citation issued under this section must impose  
79.14 the following penalty amounts:

79.15 (1) for transporting aquatic macrophytes in violation of section 84D.09, \$100;

79.16 (2) for placing or attempting to place into waters of the state water-related equipment  
79.17 that has aquatic macrophytes attached, \$200;

79.18 (3) for unlawfully possessing or transporting a prohibited invasive species other  
79.19 than an aquatic macrophyte, \$500;

79.20 (4) for placing or attempting to place into waters of the state water-related equipment  
79.21 that has prohibited invasive species attached when the waters are not listed by the  
79.22 commissioner as being infested with that invasive species, \$500;

79.23 (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as  
79.24 prescribed by rule, Eurasian water milfoil, \$100;

79.25 (6) for failing to have drain plugs or similar devices removed or opened while  
79.26 transporting water-related equipment or for failing to remove plugs, open valves, and  
79.27 drain water from water-related equipment, other than marine sanitary systems, before  
79.28 leaving waters of the state, \$100; ~~and~~

79.29 (7) for transporting infested water off riparian property without a permit as required  
79.30 by rule, \$200; and

79.31 (8) for failing to have aquatic invasive species affirmation displayed or available for  
79.32 inspection as provided in sections 86B.401 and 97C.301, subdivision 2a, \$25.

80.1 (b) A civil citation that is issued to a person who has one or more prior convictions  
80.2 or final orders for violations of this chapter is subject to twice the penalty amounts listed  
80.3 in paragraph (a).

80.4 Sec. 13. Minnesota Statutes 2014, section 84D.15, subdivision 3, is amended to read:

80.5 Subd. 3. **Use of money in account.** Money credited to the invasive species account  
80.6 in subdivision 2 shall be used for management of invasive species and implementation of  
80.7 this chapter as it pertains to invasive species, including control, public awareness, law  
80.8 enforcement, assessment and monitoring, management planning, habitat improvements,  
80.9 and research.

46.29 (b) "Aquatic invasive species" means nonnative aquatic organisms that invade water  
46.30 beyond their natural and historic range.

46.31 (c) "Watercraft trailer launch" means any public water access site designed for  
46.32 launching watercraft.

46.33 (d) "Watercraft trailer parking space" means a parking space designated for a boat  
46.34 trailer at any public water access site designed for launching watercraft.

47.1 Subd. 2. **Grants.** (a) The commissioner shall award aquatic invasive species  
47.2 prevention grants to all counties in the state as follows: 50 percent based on each county's  
47.3 share of watercraft trailer launches and 50 percent based on each county's share of  
47.4 watercraft trailer parking spaces.

47.5 (b) The commissioner must compute the amount of each county's aquatic invasive  
47.6 species prevention grant under this section for the next fiscal year based upon available  
47.7 funds by August 1, 2015, and by August 1 each year thereafter, and notify each county of  
47.8 the amount of the grant. Beginning November 1, 2015, and each November 1 thereafter, the  
47.9 county proposed to receive a grant under this section must submit a copy of its guidelines  
47.10 for use of the grant to the commissioner or notify the commissioner of the county's intent  
47.11 to refuse the grant. Any refused funds are available in the next fiscal year for allocation to  
47.12 counties as provided in this subdivision. The commissioner shall award grants to counties  
47.13 in two payments to occur on July 20 and December 26 of the following calendar year.

47.14 Subd. 3. **Use of proceeds.** A county that receives a grant under this section must use  
47.15 the proceeds solely to prevent the introduction or limit the spread of aquatic invasive species  
47.16 at all access sites within the county. The county must establish, by resolution or through  
47.17 adoption of a plan, guidelines for the use of the proceeds. The guidelines set by the county  
47.18 board may include but are not limited to providing for site-level management, countywide  
47.19 awareness, and other procedures that the county finds necessary to achieve compliance.  
47.20 The county may appropriate the proceeds directly or may use any portion of the proceeds  
47.21 to provide funding for a joint powers board or cooperative agreement with another political  
47.22 subdivision, a soil and water conservation district in the county, a watershed district in the  
47.23 county, or a lake association located in the county. Any money appropriated by the county  
47.24 to a different entity or political subdivision must be used as required under this section.

47.25 **EFFECTIVE DATE.** Subdivision 2, paragraph (a), of this section is effective  
47.26 July 1, 2016.

47.27 Sec. 31. Minnesota Statutes 2014, section 85.015, is amended by adding a subdivision  
47.28 to read:

47.29 Subd. 1e. **Connection to state parks and recreation areas.** Trails designated under  
47.30 this section may include connections to state parks or recreation areas that generally lie in  
47.31 between or within the vicinity of the waymarks specifically named in the designation.



47.32 Sec. 32. Minnesota Statutes 2014, section 85.015, subdivision 28, is amended to read:

47.33 Subd. 28. **Camp Ripley/Veterans State Trail, Crow Wing, Cass, and Morrison**  
47.34 **Counties.** The trail shall originate at Crow Wing State Park in Crow Wing County at  
48.1 the southern end of the Paul Bunyan Trail and shall extend from Crow Wing State Park  
48.2 westerly to the city of Pillager, then southerly along the west side of Camp Ripley, then  
48.3 easterly along the south side of Camp Ripley across to the east side of the Mississippi  
48.4 River, and then northerly through Fort Ripley to Crow Wing State Park. A second segment  
48.5 of the trail shall be established that shall extend in a southerly direction and in close  
48.6 proximity to the Mississippi River from the southeasterly portion of the first segment of  
48.7 the trail to the city of Little Falls, and then terminate at the Soo Line Trail in Morrison  
48.8 County. Separation of motorized and nonmotorized corridors is acceptable as needed.

48.9 Sec. 33. **[85.0506] LAKE VERMILION-SOUDAN UNDERGROUND MINE**  
48.10 **STATE PARK; HOISTS.**

48.11 The Lake Vermilion-Soudan Underground Mine State Park mine tour operation is  
48.12 exempt from sections 326B.163 to 326B.191. The federal mine code for hoists that lift  
48.13 people under Code of Federal Regulations, title 30, part 57, subpart R, applies to the  
48.14 Lake Vermilion-Soudan Underground Mine State Park hoist. The commissioner shall  
48.15 employ a hoist safety expert to conduct an annual inspection of the hoist system at the  
48.16 Lake Vermilion-Soudan Underground Mine State Park.

48.17 Sec. 34. Minnesota Statutes 2014, section 85.054, subdivision 12, is amended to read:

48.18 Subd. 12. **Lake Vermilion-Soudan Underground Mine State Park.** A state park  
48.19 permit is not required and a fee may not be charged for motor vehicle entry or parking  
48.20 at the visitor parking area of Soudan Underground Mine ~~State Park~~ and the Stuntz Bay  
48.21 boat house area.

80.10 Sec. 14. Minnesota Statutes 2014, section 85.015, is amended by adding a subdivision  
80.11 to read:

80.12 Subd. 6a. **Mississippi Blufflands Trail; Goodhue and Wabasha Counties.** (a)  
80.13 The Mississippi Blufflands Trail shall originate at the Cannon Valley Trail and thence  
80.14 extend generally southeasterly along the Mississippi River through Frontenac State Park in  
80.15 Goodhue County and continue through Goodhue and Wabasha Counties to the city of Lake  
80.16 City, and there terminate. The trail shall include connections to the Rattlesnake Bluff Trail.

80.17 (b) The trail shall be developed primarily for riding and hiking.

80.18 (c) In establishing, developing, maintaining, and operating the trail, the  
80.19 commissioner shall cooperate with local units of government and private individuals and  
80.20 groups whenever feasible.

48.22 Sec. 35. Minnesota Statutes 2014, section 85.32, subdivision 1, is amended to read:

48.23 Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized  
 48.24 in cooperation with local units of government and private individuals and groups when  
 48.25 feasible to mark state water trails on the Little Fork, Big Fork, Minnesota, St. Croix,  
 48.26 Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine,  
 48.27 Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan,  
 48.28 Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in  
 48.29 Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, Redwood,  
 48.30 Blue Earth, Cedar, Shell Rock, and Crow Rivers which have historic and scenic values  
 48.31 and to mark appropriately points of interest, portages, camp sites, and all dams, rapids,  
 48.32 waterfalls, whirlpools, and other serious hazards which are dangerous to canoe, kayak,  
 48.33 and watercraft travelers.

49.1 Sec. 36. Minnesota Statutes 2014, section 86B.401, subdivision 3, is amended to read:

49.2 Subd. 3. **Licensing.** (a) The license agent shall register the watercraft on receiving  
 49.3 an application and the license fee. A license and registration sticker with a registration  
 49.4 number shall be issued and must be affixed to the watercraft as prescribed by the  
 49.5 commissioner of natural resources.

49.6 (b) A license includes aquatic invasive species affirmation as provided in section  
 49.7 84D.106. The aquatic invasive species affirmation portion of the license must be displayed  
 49.8 with the signed license certificate. The aquatic invasive species affirmation will be  
 49.9 provided with an application for a new, transfer, duplicate, or renewal watercraft license.

49.10 (c) The license is not valid unless signed by at least one owner.

80.21 Sec. 15. Minnesota Statutes 2014, section 85.055, subdivision 1, is amended to read:

80.22 Subdivision 1. **Fees.** The fee for state park permits for:

80.23 (1) an annual use of state parks is ~~\$25~~ \$30;

80.24 (2) a second or subsequent vehicle state park permit is \$18;

80.25 (3) a state park permit valid for one day is ~~\$5~~ \$6;

80.26 (4) a daily vehicle state park permit for groups is \$3;

80.27 (5) an annual permit for motorcycles is \$20;

80.28 (6) an employee's state park permit is without charge; and

80.29 (7) a state park permit for persons with disabilities under section 85.053, subdivision  
 80.30 7, paragraph (a), clauses (1) to (3), is \$12.

80.31 The fees specified in this subdivision include any sales tax required by state law.

80.32 Sec. 16. Minnesota Statutes 2014, section 85.32, subdivision 1, is amended to read:

81.1 Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized  
 81.2 in cooperation with local units of government and private individuals and groups when  
 81.3 feasible to mark state water trails on the Little Fork, Big Fork, Minnesota, St. Croix,  
 81.4 Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine,  
 81.5 Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan,  
 81.6 Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in  
 81.7 Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, Redwood,  
 81.8 Blue Earth, Cedar, Shell Rock, and Crow Rivers which have historic and scenic values  
 81.9 and to mark appropriately points of interest, portages, camp sites, and all dams, rapids,  
 81.10 waterfalls, whirlpools, and other serious hazards which are dangerous to canoe, kayak,  
 81.11 and watercraft travelers.

81.12 Sec. 17. Minnesota Statutes 2014, section 86B.401, subdivision 3, is amended to read:

81.13 Subd. 3. **Licensing.** (a) The license agent shall register the watercraft on receiving  
 81.14 an application and the license fee. A license and registration sticker with a registration  
 81.15 number shall be issued and must be affixed to the watercraft as prescribed by the  
 81.16 commissioner of natural resources.

81.17 (b) A license includes aquatic invasive species affirmation as provided in section  
 81.18 84D.106. The aquatic invasive species affirmation portion of the license must be displayed  
 81.19 with the signed license certificate. The aquatic invasive species affirmation will be  
 81.20 provided with an application for a new, transfer, duplicate, or renewal watercraft license.

81.21 (c) The license is not valid unless signed by at least one owner.

49.11 (d) Failure to complete the aquatic invasive species affirmation in this subdivision is  
 49.12 subject to the penalty prescribed in section 84D.13, subdivision 5.

49.13 **EFFECTIVE DATE.** This section is effective January 1, 2016.

49.14 Sec. 37. Minnesota Statutes 2014, section 88.17, subdivision 3, is amended to read:

49.15 Subd. 3. **Special permits.** The following special permits are required at all times,  
 49.16 including when the ground is snow-covered:

49.17 (a) **Fire training.** A permit to start a fire for the instruction and training of  
 49.18 firefighters, including liquid fuels training, may be given by the commissioner or agent of  
 49.19 the commissioner. Except for owners or operators conducting fire training in specialized  
 49.20 industrial settings pursuant to applicable federal, state, or local standards, owners  
 49.21 or operators conducting open burning for the purpose of instruction and training of  
 49.22 firefighters with regard to structures must ~~follow the techniques described in a document~~  
 49.23 ~~entitled: Structural Burn Training Procedures for the Minnesota Technical College System~~  
 49.24 use only fuel materials as outlined in the current edition of National Fire Protection  
 49.25 Association 1403, Standard on Live Fire Training Evolutions, and obtain the applicable  
 49.26 live burn documents in accordance with the current edition of the Board of Firefighter  
 49.27 Training and Education's live burn plan established according to section 299N.02,  
 49.28 subdivision 3, clause (2).

49.29 (b) **Permanent tree and brush open burning sites.** A permit for the operation of  
 49.30 a permanent tree and brush burning site may be given by the commissioner or agent of  
 49.31 the commissioner. Applicants for a permanent open burning site permit shall submit a  
 49.32 complete application on a form provided by the commissioner. Existing permanent tree  
 49.33 and brush open burning sites must submit for a permit within 90 days of the passage of  
 49.34 this statute for a burning permit. New site applications must be submitted at least 90  
 50.1 days before the date of the proposed operation of the permanent open burning site. The  
 50.2 application must be submitted to the commissioner and must contain:

81.22 (d) Failure to complete the aquatic invasive species affirmation in this subdivision is  
 81.23 subject to the penalty prescribed in section 84D.13, subdivision 5.

81.24 **EFFECTIVE DATE.** This section is effective January 1, 2016.

81.25 Sec. 18. Minnesota Statutes 2014, section 87A.10, is amended to read:

81.26 **87A.10 TRAP, SKEET, AND ARCHERY SHOOTING SPORTS FACILITY**  
 81.27 **GRANTS.**

81.28 The commissioner of natural resources shall administer a program to provide  
 81.29 cost-share grants to local recreational shooting clubs or local units of government for up to  
 81.30 50 percent of the costs of developing or rehabilitating trap, skeet, and archery shooting  
 81.31 sports facilities for public use. A facility rehabilitated or developed with a grant under this  
 81.32 section must be open to the general public at reasonable times and for a reasonable fee  
 82.1 on a walk-in basis. The commissioner shall give preference to projects that will provide  
 82.2 the most opportunities for youth.

50.3 (1) the name, address, and telephone number of all owners of the site proposed for  
50.4 use as the permanent open burning site;

50.5 (2) if the operator for the proposed permanent open burning site is different from the  
50.6 owner, the name, address, and telephone number of the operator;

50.7 (3) a general description of the materials to be burned, including the source and  
50.8 estimated quantity, dimensions of the site and burn pile areas, hours and dates of operation,  
50.9 and provisions for smoke management; and

50.10 (4) a topographic or similarly detailed map of the site and surrounding area within  
50.11 a one-mile circumference showing all structures that might be affected by the operation  
50.12 of the site.

50.13 Only trees, tree trimmings, or brush that cannot be disposed of by an alternative  
50.14 method such as chipping, composting, or other method shall be permitted to be burned  
50.15 at a permanent open burning site. A permanent tree and brush open burning site must  
50.16 be located and operated so as not to create a nuisance or endanger water quality. The  
50.17 commissioner shall revoke the permit or order actions to mitigate threats to public health,  
50.18 safety, and the environment in the event that permit conditions are violated.

50.19 Sec. 38. Minnesota Statutes 2014, section 88.49, subdivision 3, is amended to read:

50.20 Subd. 3. **Recording Provisions of auxiliary forest contract to run with the land.**

50.21 ~~The commissioner shall submit such contract in recordable form to the owner of the land~~  
50.22 ~~covered thereby. If the owner shall indicate to the commissioner an unwillingness to~~  
50.23 ~~execute the same, or if the owner or any of the persons having an interest therein or lien~~  
50.24 ~~thereon fail to execute it within 60 days from the time of its submission to the owner, all~~  
50.25 ~~proceedings relating to the making of this land into an auxiliary forest shall be at an end.~~

50.26 ~~When the contract shall have been executed it shall forthwith be recorded in the~~  
50.27 ~~office of the county recorder at the expense of the owner or, if the title to the land be~~  
50.28 ~~registered, with the registrar of titles. At the time the contract is recorded with the county~~  
50.29 ~~recorder for record the owner, at the owner's expense, shall record with the county recorder~~  
50.30 ~~a certificate from the county attorney to the effect that no change in record title thereof has~~  
50.31 ~~occurred, that no liens or other encumbrances have been placed thereon, and that no taxes~~  
50.32 ~~have accrued thereon since the making of the previous certificate. It shall be the duty of~~  
50.33 ~~the county attorney to furnish this certificate without further compensation.~~

50.34 ~~All the provisions of the a recorded contract shall be for an auxiliary forest are deemed~~  
50.35 ~~covenants running with the land from the date of the filing of the contract for record.~~

51.1 Sec. 39. Minnesota Statutes 2014, section 88.49, subdivision 4, is amended to read:

51.2 Subd. 4. **Effect.** Upon the filing of the contract for record, the land ~~therein~~ described  
 51.3 ~~in the contract~~ shall become, and, during the life of the contract, remain ~~and be~~, an  
 51.4 auxiliary forest entitled to all the benefits and subject to all the restrictions of sections  
 51.5 ~~88.47 88.49~~ to 88.53, ~~all of which shall be deemed a~~. These sections are part of the  
 51.6 obligation of the contract and ~~shall be~~ are inviolate, subject only to the police power of the  
 51.7 state, to the power of eminent domain, and to ~~the right of the parties thereto by mutual~~  
 51.8 ~~agreement to make applicable to the contract~~ any laws of the state enacted subsequent to its  
 51.9 the execution and filing. This provision shall not be so construed as to prevent amendatory  
 51.10 ~~or supplementary legislation which does of the contract~~. Laws enacted subsequent to  
 51.11 the date of execution of the contract are applicable to the contract, so long as the laws  
 51.12 do not impair these the contract rights of the parties thereto, or as to prevent amendatory  
 51.13 or supplementary legislation in respect of the culture, care, or management of the lands  
 51.14 included in any such contract signatories of the contract or their successors or assigns.

51.15 Sec. 40. Minnesota Statutes 2014, section 88.49, subdivision 5, is amended to read:

51.16 Subd. 5. **Cancellation.** ~~Upon the failure of~~ (a) If the owner fails to faithfully to  
 51.17 fulfill and perform ~~such the contract or, any provision thereof of the contract, or any~~  
 51.18 requirement of sections ~~88.47 88.49~~ to 88.53, or any rule ~~adopted by the commissioner~~  
 51.19 ~~thereunder~~ adopts under those sections, the commissioner may cancel the contract in  
 51.20 ~~the manner herein provided~~. The commissioner shall give to the owner, ~~in the manner~~  
 51.21 ~~prescribed in section 88.48, subdivision 4, 60 days' notice of a hearing thereon at which~~  
 51.22 the owner may appear and show cause, if any, why the contract should not be canceled.  
 51.23 The commissioner shall ~~thereupon~~ then determine whether the contract should be canceled  
 51.24 and make an order to that effect. ~~Notice of the commissioner's determination and the~~  
 51.25 ~~making of the order shall be given to~~ The commissioner shall give the owner ~~in the manner~~  
 51.26 ~~provided in section 88.48, subdivision 4~~ notice of the commissioner's determination and  
 51.27 order. ~~On determining~~ If the commissioner determines that the contract should be canceled  
 51.28 and ~~no appeal therefrom be taken~~ the owner does not appeal the determination as provided  
 51.29 in subdivision 7, the commissioner shall send notice ~~thereof~~ of the cancellation to the  
 51.30 auditor of the county and to the town clerk of the town affected and file with the recorder a  
 51.31 certified copy of the order, ~~who~~. The recorder shall ~~forthwith~~ note the cancellation upon  
 51.32 the record thereof, and ~~thereupon~~ the land ~~therein~~ described in the contract shall cease to  
 51.33 be an auxiliary forest and, together with the timber ~~thereon~~ on the land, become liable  
 51.34 to for all taxes and assessments that ~~otherwise would have been levied against it had it~~  
 51.35 ~~never been an auxiliary forest~~ the land from the time of the making of the contract, ~~any~~  
 52.1 notwithstanding provisions of the statutes of limitation to the contrary ~~notwithstanding~~;  
 52.2 less. The amount of taxes paid under ~~the provisions of section 88.51, subdivision 1,~~  
 52.3 together with interest on such taxes and assessments at six percent per annum, but without  
 52.4 penalties, must be subtracted from the tax owed by the owner.

52.5 (b) The commissioner may ~~in like manner and with like effect~~ cancel the contract  
 52.6 upon written application of the owner.

52.7 (c) The commissioner shall cancel ~~any~~ the contract if the owner has ~~made successful~~  
 52.8 ~~application~~ successfully applied under ~~sections 290C.01 to 290C.11,~~ the Sustainable Forest  
 52.9 Incentive Act, sections 290C.01 to 290C.11, and has paid to the county treasurer the tax  
 52.10 difference between the amount ~~which that~~ would have been paid had the land under contract  
 52.11 been subject to the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive  
 52.12 Act from the date of the recording of the contract and the amount actually paid under  
 52.13 section 88.51, ~~subdivisions~~ subdivision 1, and Minnesota Statutes 2014, section 88.51,  
 52.14 subdivision 2. This tax difference must be calculated based on the years the lands would  
 52.15 ~~have been taxed under the Tree Growth Tax Law and the Sustainable Forest Incentive Act.~~  
 52.16 The sustainable forest tax difference is net of the incentive payment of section 290C.07.  
 52.17 If the amount ~~which that~~ would have been paid, ~~had if~~ the land under contract ~~had been~~  
 52.18 under the Minnesota Tree Growth Tax Law and the Sustainable Forest Incentive Act from  
 52.19 the date ~~of the filing of~~ the contract, was filed is less than the amount actually paid under  
 52.20 the contract, the cancellation shall be made without further payment by the owner.

52.21 ~~When~~ (d) If the execution of ~~any~~ the contract creating an auxiliary forest ~~shall have~~  
 52.22 ~~been~~ is procured through fraud or deception ~~practiced upon~~ on the county board ~~or,~~ the  
 52.23 commissioner, or any other person or body representing the state, it may ~~be canceled~~  
 52.24 cancel it upon suit brought by the attorney general at the direction of the commissioner.  
 52.25 This cancellation ~~shall have~~ has the same effect as the cancellation of a contract by the  
 52.26 commissioner.

52.27 Sec. 41. Minnesota Statutes 2014, section 88.49, subdivision 6, is amended to read:

52.28 Subd. 6. **Assessment after cancellation.** (a) For the purpose of levying ~~such~~ taxes,  
 52.29 the county auditor shall, immediately upon ~~receipt of~~ receiving notice of the cancellation  
 52.30 of ~~any~~ a contract creating an auxiliary forest, direct the local assessor to assess the lands  
 52.31 within the forest, excluding the value of merchantable timber and minerals and other  
 52.32 things of value taxed under the provisions of Minnesota Statutes 2014, section 88.51,  
 52.33 subdivision 2, as of for each of the years ~~during which~~ the lands ~~have been~~ were included  
 52.34 within the auxiliary forest. The local assessor shall ~~forthwith~~ make the assessment and  
 52.35 certify the same to the county auditor. The county auditor shall ~~thereupon~~ levy a tax on the  
 53.1 assessable value of the land ~~as,~~ fixed by section 273.13, for each of the years ~~during which~~  
 53.2 the land ~~has been~~ was within an auxiliary forest, at the rate at which other real estate  
 53.3 within the taxing district was taxed in those years. The tax ~~so assessed and levied against~~  
 53.4 ~~any land shall be~~ is a first and prior lien upon the land and upon all timber and forest  
 53.5 products growing, grown, or cut ~~thereon~~ on the land and removed ~~therefrom~~ from the land.  
 53.6 These taxes ~~shall~~ must be enforced in the same manner as other taxes on real estate are  
 53.7 enforced and, ~~in addition thereto,~~ the lien of the tax on forest products cut or removed  
 53.8 from this land ~~shall~~ must be enforced by the seizure and sale of the forest products.

53.9 (b) No person shall, after the mailing by the commissioner, as provided in subdivision  
53.10 5, of notice of hearing on the cancellation of a the contract making any lands an auxiliary  
53.11 forest, cut or remove from these lands any timber or forest products growing, grown, or  
53.12 cut thereon until all taxes levied under this subdivision ~~shall have been~~ are paid, or, ~~in the~~  
53.13 ~~event such~~ if the levy ~~shall~~ is not ~~have been~~ completed, until the owner ~~shall have~~ has given  
53.14 a bond payable to the county, with sureties approved by the county auditor, in ~~such the~~  
53.15 amount as the county auditor ~~shall deem~~ deems ample for the payment of all taxes that may  
53.16 be levied ~~thereon~~ under this subdivision, conditioned for the payment of ~~such the~~ the taxes.

53.17 (c) Any person who ~~shall violate any of the provisions of~~ violates this subdivision  
53.18 ~~shall be~~ is guilty of a felony.

53.19 Sec. 42. Minnesota Statutes 2014, section 88.49, subdivision 7, is amended to read:

53.20 Subd. 7. **Appeal.** (a) The owner may appeal from any cancellation order of the  
53.21 commissioner to the district court of the county ~~wherein~~ where the land is ~~situate,~~ located  
53.22 by serving notice of appeal on the commissioner and filing the same with the court  
53.23 administrator of the district court within 30 days after the date of mailing ~~of~~ notice  
53.24 of such order.

53.25 (b) The appeal ~~shall~~ must be tried between the state of Minnesota and the owner by  
53.26 the court as a suit for the rescission of a contract is tried, and the judgment of the court  
53.27 ~~shall be~~ is substituted for the cancellation order of the commissioner, and ~~shall be~~ is final.

53.28 Sec. 43. Minnesota Statutes 2014, section 88.49, subdivision 8, is amended to read:

53.29 Subd. 8. **Proceedings in lieu of cancellation.** If cause for the cancellation of ~~any a~~  
53.30 contract ~~shall exist~~ exists, the commissioner may, in lieu of canceling ~~such the~~ the contract,  
53.31 perform the terms and conditions, ~~other than the payment of that the owner was required~~  
53.32 to perform, except that the commissioner may not pay any taxes; that the owner was  
53.33 required, by the contract or by law or by the rules of the commissioner, to be performed by  
53.34 the owner, and may for that purpose to have paid by law. The commissioner may use any  
54.1 available moneys appropriated for the maintenance of the commissioner's division and  
54.2 any other lawful means to perform all other terms and conditions required to maintain the  
54.3 auxiliary forest status. The commissioner shall, on December 1 each year, certify to the  
54.4 auditor of each county the amount of moneys ~~thus~~ expended on and the value of services  
54.5 ~~thus rendered in respect of any lands therein~~ for land in the county since December 1 of  
54.6 the preceding year. The county auditor shall ~~forthwith~~ assess and levy the amount shown  
54.7 by this certificate against the lands described ~~therein~~. This amount ~~shall bear~~ bears interest  
54.8 at the rate of six percent per annum and ~~shall be~~ is a lien upon the lands described ~~therein~~,  
54.9 ~~and~~. The collection ~~thereof of the tax must be~~ enforced in the same manner as taxes  
54.10 levied under section 88.52, subdivision 1; ~~and, if such the tax be~~ is not sooner paid, it  
54.11 ~~shall~~ must be added to, and the payment ~~thereof~~ enforced with, the yield tax imposed  
54.12 under section 88.52, subdivision 2.

54.13 Sec. 44. Minnesota Statutes 2014, section 88.49, subdivision 9, is amended to read:

54.14 Subd. 9. **Auxiliary forests; withdrawal of land from.** (a) Land needed for other  
54.15 purposes may be withdrawn from an auxiliary forest as ~~herein provided~~. The owner may  
54.16 submit a verified application therefor in a form prescribed by the commissioner of natural  
54.17 resources may be made by the owner to the county board of the county in which the land is  
54.18 situated, describing the land and stating the purpose of withdrawal. Like proceedings shall  
54.19 be had upon the application as upon an application for the establishment of an auxiliary  
54.20 forest, except that consideration need be given only to the questions to be determined as  
54.21 provided in this subdivision. The county board shall consider the application and hear any  
54.22 matter offered in support of or in opposition to the application. The county board shall  
54.23 make proper record of its action upon the application. If the application is rejected, the  
54.24 county board shall prepare a written statement stating the reasons for the rejection within  
54.25 30 days of the date of rejection. If the application is rejected, the county auditor shall,  
54.26 within 30 days of the rejection, endorse the rejection on the application and return it,  
54.27 together with a copy of the written statement prepared by the county board stating the  
54.28 reasons for rejection to the applicant. The rejected application and written statement must  
54.29 be sent to the owner by certified mail at the address given in the application.

54.30 (b) If the application is disapproved as to only a part of the lands described, the  
54.31 county auditor shall notify the applicant in the same manner as if the application were  
54.32 rejected. The applicant may amend the application within 60 days after the notice is  
54.33 mailed. If it is not amended, the application is deemed rejected.

54.34 (c) If the county board ~~shall determine~~ determines that the land proposed to be  
54.35 withdrawn is needed and is suitable for the purposes set forth in the application, and  
55.1 that the remaining land in the auxiliary forest is suitable and sufficient for the purposes  
55.2 thereof of the auxiliary forest as provided by law, the board may, in its discretion, grant  
55.3 the application, subject to the approval of the commissioner. Upon such approval a  
55.4 supplemental contract evidencing the withdrawal shall be executed, filed, and recorded  
55.5 or registered as the case may require, in like manner as an original auxiliary forest  
55.6 contract. Thereupon by both the county board and the commissioner, the county auditor  
55.7 shall notify the applicant and the commissioner. Upon notice from the county auditor,  
55.8 the commissioner shall cause to be prepared a supplemental contract executed by the  
55.9 commissioner on behalf of the state and by the owner of the fee title or the holder of  
55.10 a state deed and by all other persons having any liens on the land and witnessed and  
55.11 acknowledged as provided by law for the execution of recordable deeds of conveyance.  
55.12 Notices sent by certified mail to the owner in fee at the address given in the application  
55.13 is deemed notice to all persons executing the supplemental contract. The supplemental  
55.14 contract must be prepared by the director of the Division of Forestry on a recordable  
55.15 form approved by an attorney appointed by the commissioner. Every supplemental  
55.16 contract must be approved by the Executive Council. The commissioner shall submit the  
55.17 supplemental contract to the owner of the land. If the owner indicates to the commissioner  
55.18 an unwillingness to execute the supplemental contract, or if the owner or any of the  
55.19 persons with an interest in the land or a lien upon the land fail to execute the contract  
55.20 within 60 days from the time of submission of the contract to the owner for execution, all



55.21 proceedings relating back to the withdrawal of the land from an auxiliary forest shall be at  
 55.22 an end. When the supplemental contract is executed, it must be recorded in the office of  
 55.23 the county recorder at the expense of the owner or, if the title to the land is registered, the  
 55.24 supplemental contract must be recorded with the registrar of titles. At the time the contract  
 55.25 is recorded with the county recorder, the owner, at the owner's expense, shall record with  
 55.26 the county recorder a certificate from the county attorney to the effect that no change in  
 55.27 record title to the land has occurred, that no liens or other encumbrances have been placed  
 55.28 on the land, and that no taxes have accrued on the land since the making of the previous  
 55.29 certificate. The county attorney must furnish this certificate without further compensation.  
 55.30 Upon execution and recording of the supplemental contract, the land described in the  
 55.31 supplemental contract shall cease that is to be withdrawn from the auxiliary forest ceases  
 55.32 to be part of the auxiliary forest, and, together with the timber thereon, shall be the owner  
 55.33 is liable to taxes and assessments of the withdrawn portion together with the timber on the  
 55.34 withdrawn portion in like manner as upon cancellation of an auxiliary forest contract.

55.35 Sec. 45. Minnesota Statutes 2014, section 88.49, subdivision 11, is amended to read:

56.1 Subd. 11. **Auxiliary forests; transfer of title; procedure on division.** The title to  
 56.2 the land in an auxiliary forest or any part thereof of an auxiliary forest is subject to transfer  
 56.3 in the same manner as the title to other real estate, subject to the auxiliary forest contract  
 56.4 therefor and to applicable provisions of law. In case If the ownership of such a an auxiliary  
 56.5 forest is divided into two or more parts by any transfer or transfers of title and the owners  
 56.6 of all such the parts desire to have the same parts made separate auxiliary forests, they the  
 56.7 owners may join in a verified application therefor to the county board of the county in  
 56.8 which the forest is situated in a form prescribed by the commissioner of natural resources.  
 56.9 If the county board determines that each of the parts into which the forest has been divided  
 56.10 is suitable and sufficient for a separate auxiliary forest as provided by law, it may, in  
 56.11 its discretion, grant the application, subject to the approval of the commissioner. Upon  
 56.12 such approval, the commissioner shall prepare a new auxiliary forest contract for each  
 56.13 part transferred, with like provisions and for the remainder of the same term as the prior  
 56.14 contract in force for the entire forest at the time of the transfer, and shall also prepare a  
 56.15 modification of such the prior contract, eliminating therefrom the part or parts of the land  
 56.16 transferred but otherwise leaving the remaining land subject to all the provisions of such  
 56.17 the contract. The new contract or contracts and modification of the prior contract shall  
 56.18 must be executed and otherwise dealt with in like manner as provided for an original a  
 56.19 supplemental auxiliary forest contract in subdivision 9, but no such instrument shall must  
 56.20 take effect until all of them, covering together all parts of the forest existing before the  
 56.21 transfer, have been executed, filed, and recorded or registered, as the case may require.  
 56.22 Upon the taking effect of When all such the instruments take effect, the owner of the  
 56.23 forest prior to the transfer shall be is divested of all rights and relieved from all liabilities  
 56.24 under the contract then in force with respect to the parts transferred except such those as  
 56.25 may have existed or accrued at the time of the taking effect of such instruments, and  
 56.26 thereafter the several tracts into which the forest has been divided and the respective  
 56.27 owners thereof shall be are subject to the new contract or contracts or the modified prior

56.28 contract relating thereto, as the case may be, as provided for an original auxiliary forest  
 56.29 contract. The provisions of this subdivision shall not supersede or affect the application  
 56.30 of any other provision of law to any auxiliary forest which is divided by transfer of title  
 56.31 unless the procedure herein authorized is fully consummated.

56.32 Sec. 46. Minnesota Statutes 2014, section 88.491, subdivision 2, is amended to read:

56.33 Subd. 2. **Effect of expired contract.** When auxiliary forest contracts expire,  
 56.34 or prior to expiration by mutual agreement between the ~~land owner~~ landowner and the  
 56.35 appropriate county office, the lands previously covered by an auxiliary forest contract  
 57.1 automatically qualify for inclusion under the provisions of the Sustainable Forest Incentive  
 57.2 Act; provided that when such lands are included in the Sustainable Forest Incentive Act  
 57.3 prior to expiration of the auxiliary forest contract, they will be transferred and a tax paid as  
 57.4 provided in section 88.49, subdivision 5, upon application and inclusion in the sustainable  
 57.5 forest incentive program. The ~~land owner~~ landowner shall pay taxes in an amount equal to  
 57.6 the difference between:

57.7 (1) the sum of:

57.8 (i) the amount which would have been paid from the date of the recording of the  
 57.9 contract had the land under contract been subject to the Minnesota Tree Growth Tax  
 57.10 Law; plus

57.11 (ii) beginning with taxes payable in 2003, the taxes that would have been paid if the  
 57.12 land had been enrolled in the sustainable forest incentive program; and

57.13 (2) the amount actually paid under section 88.51, ~~subdivisions~~ subdivision 1, and  
 57.14 Minnesota Statutes 2014, section 88.51, subdivision 2.

57.15 Sec. 47. Minnesota Statutes 2014, section 88.50, is amended to read:

57.16 **88.50 TAXATION.**

57.17 Every auxiliary forest in this state ~~shall~~ must be taxed ~~in the manner and to the extent~~  
 57.18 ~~hereinafter provided according to sections 88.49 to 88.53~~ and not otherwise. Except as  
 57.19 expressly permitted by sections ~~88.47~~ 88.49 to 88.53, no auxiliary forest shall be taxed  
 57.20 for, or ~~in any manner~~, directly or indirectly made to contribute to, or become liable for  
 57.21 the payment of, any tax or assessment, general or special, or any bond, certificate of  
 57.22 indebtedness, or other public obligation of any name or kind, made, issued, or created  
 57.23 subsequent to the filing of the contract creating the auxiliary forest, provided that  
 57.24 temporary buildings, structures, or other fixtures of ~~whatsoever kind~~ located upon land  
 57.25 within an auxiliary forest shall be valued and assessed as personal property and classified  
 57.26 as class 3 under the general system of ad valorem taxation. In any proceeding for the  
 57.27 making of a special improvement under the laws of this state by which any auxiliary forest  
 57.28 will be benefited, the owner ~~thereof~~ may subject the lands ~~therein~~ to assessment ~~therefor~~ in  
 57.29 the manner provided by law, by filing the owner's written consent ~~in writing~~ to the making  
 57.30 ~~of the assessment in the tribunal in which the proceeding is pending, whereupon.~~ The lands

57.31 shall for the purposes of the improvement and assessment ~~not~~ be treated as lands ~~not~~ in an  
57.32 auxiliary forest; but the lien of any assessment ~~so~~ levied on lands in any auxiliary forest ~~shall~~  
57.33 be is subject to the provisions of the contract creating the auxiliary forest and subordinate  
57.34 to the lien of any tax imposed under the provisions of sections ~~88.47~~ 88.49 to 88.53.

58.1 Sec. 48. Minnesota Statutes 2014, section 88.51, subdivision 1, is amended to read:

58.2 Subdivision 1. **Annual tax, ten cents per acre.** (a) From and after the filing of the  
58.3 contract creating any tract of land an auxiliary forest under sections ~~88.47~~ 88.49 to 88.53  
58.4 and hereafter upon any tract heretofore created as an auxiliary forest, the surface of the  
58.5 land ~~therein~~, exclusive of mineral or anything of value thereunder, ~~shall~~ must be taxed  
58.6 annually at the rate of 10 cents per acre. This tax ~~shall~~ must be levied and collected, and  
58.7 the payment ~~thereof of the tax~~, with penalties and interest, enforced in the same manner as  
58.8 other taxes on real estate, and ~~shall~~ must be credited to the funds of the taxing districts  
58.9 affected in the proportion of their interest in the taxes on this land if it had not been so  
58.10 made an auxiliary forest; provided, that such tax ~~shall be~~ is due in full on or before May  
58.11 31, after the levy thereof. Failure to pay when due any tax so levied ~~shall be~~ is cause  
58.12 for cancellation of the contract.

58.13 (b) The levy upon the land of the taxes provided for by section 88.49, subdivision 5,  
58.14 upon the cancellation of a contract, ~~shall discharge and annul~~ discharges and annuls all  
58.15 unpaid taxes levied or assessed ~~thereon~~ on the land.

58.16 Sec. 49. Minnesota Statutes 2014, section 88.51, subdivision 3, is amended to read:

58.17 Subd. 3. **Determination of estimated market value.** In determining the net tax  
58.18 capacity of property within any taxing district, the value of the surface of lands within any  
58.19 auxiliary forest ~~therein in the taxing district~~, as determined by the county board ~~under the~~  
58.20 ~~provisions of section 88.48, subdivision 3~~, shall, for all purposes except the levying of  
58.21 taxes on lands within any such forest, be deemed the estimated market value ~~thereof of~~  
58.22 those surface lands.

58.23 Sec. 50. Minnesota Statutes 2014, section 88.52, subdivision 2, is amended to read:

58.24 Subd. 2. **Examination, report.** When any timber growing or standing in any  
 58.25 auxiliary forest ~~shall have become~~ is suitable for merchantable forest products, the  
 58.26 commissioner shall, at the written request of the owner, a copy of which shall at the time be  
 58.27 filed in the office of the county auditor, make an examination of the timber and designate  
 58.28 for the owner the kind and number of trees most suitable to be cut if in the judgment of  
 58.29 the commissioner ~~there be any, and~~. The cutting and removal of ~~these designated~~ trees so  
 58.30 ~~designated shall~~ must be in accordance with the instructions of the commissioner. The  
 58.31 commissioner shall inspect the cutting or removal and determine whether it or the manner  
 58.32 of its performance constitute a violation of the terms of the contract creating the auxiliary  
 58.33 forest or of the laws applicable ~~thereto~~ laws, or of the instructions of the commissioner  
 58.34 relative to the cutting and removal. Any such violation ~~shall be~~ is ground for cancellation  
 59.1 of the contract by the commissioner; otherwise the contract ~~shall continue~~ continues in  
 59.2 force for the remainder of the period ~~therein~~ stated in the contract, regardless of the cutting  
 59.3 and removal. Within 90 days after the completion of any cutting or removal operation,  
 59.4 the commissioner shall make a report of findings ~~thereon~~ and transmit copies of ~~such~~ the  
 59.5 report to the county auditor and the surveyor general.

59.6 Sec. 51. Minnesota Statutes 2014, section 88.52, subdivision 3, is amended to read:

59.7 Subd. 3. **Kinds, permit, scale report, assessment and payment of tax.** (a) Upon  
 59.8 ~~the filing of the owner's written request of the owner as provided in subdivision 2, the~~  
 59.9 director of ~~lands and~~ forestry, with the county board or the county land commissioner,  
 59.10 shall determine within 30 days the kinds, quantities, and value on the stump of the timber  
 59.11 proposed to be cut.

59.12 Before the cutting is to begin, the director of ~~lands and~~ forestry shall file with the  
 59.13 county auditor a report showing the kinds, quantities, and value of the timber proposed to  
 59.14 be cut or removed and approved by the director of ~~lands and~~ forestry for cutting within  
 59.15 two years after the date of approval of the report by the director of ~~lands and~~ forestry. The  
 59.16 county auditor shall assess and levy the estimated yield tax thereon, make proper record  
 59.17 of this assessment and levy in the auditor's office, and notify the owner of the auxiliary  
 59.18 forest of the tax amount ~~thereof~~. The owner shall, before any timber in the forest is cut or  
 59.19 removed, give a bond payable to the state of Minnesota, or ~~in lieu thereof~~, a deposit in  
 59.20 cash with the county treasurer, in the amount required by the report, ~~which shall be~~ and not  
 59.21 less than 150 percent of the amount of the levy, conditioned for the payment of all taxes on  
 59.22 the timber to be cut or removed. Upon receipt of notification from the county auditor that  
 59.23 the bond or cash requirement has been deposited, the director of ~~lands and~~ forestry will  
 59.24 issue a cutting permit in accordance with the report. The owner shall keep an accurate  
 59.25 count or scale of all timber cut. On or before ~~the fifteenth day of April 15~~ following  
 59.26 issuance of ~~such~~ the cutting permit, and on or before ~~the fifteenth day of April 15~~ of each  
 59.27 succeeding year in which any merchantable wood products were cut on auxiliary forest  
 59.28 lands prior to the termination of ~~such~~ the permit, the owner of the timber covered by the  
 59.29 permit shall file with the director of ~~lands and~~ forestry a sworn statement, submitted in  
 59.30 duplicate; on a form prepared by the director of ~~lands and~~ forestry, one copy of which

59.31 ~~shall~~ must be transmitted to the county auditor, specifying the quantity and value of each  
 59.32 variety of timber and kind of product cut during the preceding year ending on March 31,  
 59.33 as shown by the scale or measurement ~~thereof~~ made on the ground as cut, skidded, or  
 59.34 loaded as the case may be. If no such scale or measurement ~~shall have been was~~ made on  
 59.35 the ground, an estimate ~~thereof shall must~~ be made and ~~such estimate~~ corrected by the first  
 60.1 scale or measurement; made in the due course of business, ~~and such~~. The correction must  
 60.2 at once be filed with the director of ~~lands and~~ forestry who shall immediately transmit it to  
 60.3 the county auditor. On or before ~~the fifteenth day of May 15~~ following the filing of the  
 60.4 sworn statement covering the quantity and value of timber cut under an authorized permit,  
 60.5 the auditor shall assess and levy a yield (severance) tax, according to Minnesota Statutes  
 60.6 2014, section 88.51, subdivision 2, of the timber cut during the year ending on the March  
 60.7 ~~31st 31~~ preceding the date of assessing and levying this tax. This tax is payable and must  
 60.8 be paid to the county treasurer on or before the following May 31 next following. Copies  
 60.9 of the yield (severance) tax assessment and of the yield (severance) tax payment shall must  
 60.10 be filed with the director of ~~lands and~~ forestry and the county auditor. Except as otherwise  
 60.11 provided, all yield (severance) taxes herein provided for shall must be levied and collected,  
 60.12 and payment ~~thereof~~, with penalties and interest, enforced in the same manner as taxes  
 60.13 imposed under ~~the provisions of~~ section 88.51, subdivision 1, and shall must be credited to  
 60.14 the funds of the taxing districts affected in the proportion of their interests in the taxes on  
 60.15 the land producing the yield (severance) tax. ~~At any time~~ On deeming it necessary, the  
 60.16 director of ~~lands and~~ forestry may order an inspection of any or all cutting areas within  
 60.17 an auxiliary forest and also may require the owner of the auxiliary forest to produce for  
 60.18 inspection by the director of ~~lands and~~ forestry of any or all cutting records pertaining to  
 60.19 timber cutting operations within an auxiliary forest for the purpose of determining the  
 60.20 accuracy of scale or measurement reports, and if intentional error in scale or measurement  
 60.21 reports is found to exist, shall levy and assess a tax triple the yield (severance) tax on the  
 60.22 stumpage value of the timber cut in excess of the quantity and value reported.

60.23 (b) The following alternative method of assessing and paying annually the yield tax  
 60.24 on an auxiliary forest is to be available to an auxiliary forest owner upon application and  
 60.25 upon approval of the county board of the county within which the auxiliary forest is located.

60.26 For auxiliary forests entered under this subdivision paragraph, the county auditor  
 60.27 shall assess and levy the yield tax by multiplying the acreage of each legal description  
 60.28 included within the auxiliary forest by the acre quantity of the annual growth by species,  
 60.29 calculated in cords, or in thousands of feet board measure Minnesota standard log scale  
 60.30 rule, whichever is more reasonably usable, for the major species found in each type by  
 60.31 the from year-to-year appraised stumpage prices for each of these species, used by the  
 60.32 Division of ~~Lands and~~ Forestry, Department of Natural Resources, in selling trust fund  
 60.33 timber located within the district in which the auxiliary forest is located. The assessed  
 60.34 value of the annual growth of the auxiliary forest, thus determined, ~~shall be~~ is subject to  
 60.35 a ten percent of stumpage value yield tax, payable annually on or before May 31. In all  
 61.1 other respects the assessment, levying and collection of the yield tax, as provided for in  
 61.2 this subdivision shall must follow the procedures specified in clause paragraph (a).

61.3 Forest owners operating under this ~~subdivision shall be~~ paragraph are subject to all  
61.4 other provisions of the auxiliary forest law except ~~such the~~ provisions of ~~clause paragraph~~  
61.5 (a) as that are in conflict with this ~~subdivision paragraph~~. Penalties for intentional failure  
61.6 by the owner to report properly the quantity and value of the annual growth upon an  
61.7 auxiliary forest entered under this ~~subdivision paragraph~~ and for failure to pay the yield  
61.8 tax when due ~~shall be~~ are the same as the penalties specified in other subdivisions of this  
61.9 law for like failure to abide by its provisions.

61.10 To qualify for the assessment and levying of the yield tax by this method, the  
61.11 owner of the forest requesting this method of taxation must submit a map or maps  
61.12 and a tabulation in acres and in quantity of growth by legal descriptions showing the  
61.13 division of the area covered by the auxiliary forest for which this method of taxation is  
61.14 requested into the following forest types, namely: white and ~~Norway~~ red pine; jack pine;  
61.15 aspen-birch; spruce-balsam fir; ~~swamp~~ black spruce; tamarack; cedar; upland hardwoods;  
61.16 lowland hardwoods; upland brush and grass (temporarily nonproductive); lowland brush  
61.17 (temporarily nonproductive); and permanently nonproductive (open bogs, stagnant  
61.18 swamps, rock outcrops, flowage, etc.). Definition of these types and determination of the  
61.19 average rate or rates of growth (in cords or thousand feet, board measure, Minnesota  
61.20 standard log scale rule, ~~which ever~~ whichever is more logically applicable for each of  
61.21 them) ~~shall~~ must be made by the director of the Division of ~~Lands and~~ Forestry, Minnesota  
61.22 Department of Natural Resources, with the advice and assistance of the land commissioner  
61.23 of the county in which the auxiliary forest is located; the director of the United States  
61.24 Forest Service's North Central Forest Experiment Station; and the director of the School of  
61.25 Forestry, University of Minnesota. Before the approval of the application of the owner of  
61.26 an auxiliary forest to have the auxiliary ~~or proposed auxiliary~~ forest taxed under provisions  
61.27 of this ~~subdivision paragraph~~ is submitted to the county board, the distribution between  
61.28 types of the area as shown on the maps and in the tabulations submitted by the owner of the  
61.29 auxiliary ~~or proposed auxiliary~~ forest ~~shall~~ must be examined and their accuracy determined  
61.30 by the director of the Division of ~~Lands and~~ Forestry, Department of Natural Resources,  
61.31 with the assistance of the county board of the county in which the auxiliary forest is located.

61.32 During the life of the auxiliary forest, contract timber cutting operations within the  
61.33 various types shown upon the type map accepted as a part of the approved auxiliary forest  
61.34 application ~~shall do~~ not bring about a reclassification of the forest types shown upon that  
61.35 map or those maps until after the passage of ten years following the termination of ~~said the~~  
61.36 timber cutting operations and then only upon proof of a change in type.

62.1 Sec. 52. Minnesota Statutes 2014, section 88.52, subdivision 4, is amended to read:

62.2 Subd. 4. **Hearing, procedure.** The owner of any land or timber upon which a yield  
 62.3 tax is assessed and levied as provided in this section may, within 15 days after mailing  
 62.4 of notice of the amount of the tax, file with the county auditor a demand for hearing  
 62.5 ~~thereon on the tax~~ before the county board. The county auditor shall thereupon fix a date  
 62.6 of hearing, which ~~shall~~ must be held within 30 days after the filing of the demand, and  
 62.7 mail to the owner notice of the time and place of the hearing. The owner may appear at  
 62.8 the meeting and present evidence and argument as to the amount of the tax and as to any  
 62.9 related matter relating thereto. The county board shall ~~thereupon~~ determine whether the  
 62.10 tax as levied is proper in amount and make its order ~~thereon~~. The county auditor shall  
 62.11 ~~forthwith~~ mail to the owner a notice of the order. If the amount of the tax is increased or  
 62.12 reduced by the order, the county auditor shall make a supplemental assessment and levy  
 62.13 ~~thereof~~, as in this subdivision provided.

62.14 Sec. 53. Minnesota Statutes 2014, section 88.52, subdivision 5, is amended to read:

62.15 Subd. 5. **Yield tax, a prior lien.** Throughout the life of any ~~sueh~~ auxiliary forest,  
 62.16 the ~~yield tax~~ accruing ~~thereon shall constitute and be~~ yield tax constitutes and is a first and  
 62.17 prior lien upon all the merchantable timber and forest products growing or grown thereon;  
 62.18 and, if not paid when due, this yield tax, together with penalties and interest ~~thereon~~ as  
 62.19 otherwise provided by law and all expenses of collecting same, ~~shall continue~~ continues to  
 62.20 be a lien upon the timber and forest products ~~and every part and parcel thereof wherever~~  
 62.21 ~~the same may be or~~ however much changed in form or otherwise improved until the yield  
 62.22 tax is fully paid. ~~Sueh~~ The lien may be foreclosed and the property subject ~~thereto to~~  
 62.23 the lien dealt with by action in the name of the state, brought by the county attorney at  
 62.24 the request of the county auditor.

62.25 Sec. 54. Minnesota Statutes 2014, section 88.52, subdivision 6, is amended to read:

62.26 Subd. 6. **Timber held exempt from yield tax.** Timber cut from an auxiliary forest  
 62.27 by an owner and used by the owner for fuel, fencing, or building on land occupied by the  
 62.28 owner which is within or contiguous to the auxiliary forest where cut ~~shall be~~ is exempt  
 62.29 from the yield tax, and, as to timber so cut and used, the requirements of subdivisions  
 62.30 1 and 2 ~~shall do not be applicable and in lieu thereof apply~~. The owner shall, prior to  
 62.31 cutting, file with the county auditor, on a form prepared by the commissioner, a statement  
 62.32 showing the quantity of each kind of forest products proposed to be cut and the purposes  
 62.33 for which the ~~same~~ the products will be used.

63.1 Sec. 55. Minnesota Statutes 2014, section 88.523, is amended to read:

63.2 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL**  
 63.3 **AGREEMENTS.**

63.4 Upon application of the owner, any auxiliary forest contract ~~heretofore or hereafter~~  
 63.5 ~~executed~~ may be made subject to any provisions of law enacted subsequent to the execution  
 63.6 of the contract and in force at the time of application, so far as not already applicable, with  
 63.7 the approval of the county board and the commissioner of natural resources. ~~As evidence~~  
 63.8 ~~thereof~~ A supplemental agreement in a form prescribed by the commissioner and approved  
 63.9 by the attorney general ~~shall~~ must be executed by the commissioner in behalf of the state  
 63.10 and by the owner. ~~Such~~ The supplemental agreement ~~shall~~ must be filed and recorded in  
 63.11 like manner as the ~~original~~ supplemental contract under section 88.49, subdivision 9, and  
 63.12 ~~shall thereupon take~~ takes effect upon filing and recording.

63.13 Sec. 56. Minnesota Statutes 2014, section 88.53, subdivision 1, is amended to read:

63.14 Subdivision 1. **Time for disposal.** ~~Any corporation, association, or organization~~  
 63.15 ~~may acquire and hold any amount of land without restriction and without limit as to~~  
 63.16 ~~acreage or quantity for the purpose of including same within and holding same as an~~  
 63.17 ~~auxiliary forest under the provisions of sections 88.47 to 88.53. When the same shall~~  
 63.18 ~~cease land ceases to be an auxiliary forest, the owners shall have five years within which~~  
 63.19 to dispose of the land, any provisions of general law to the contrary notwithstanding.

63.20 Sec. 57. Minnesota Statutes 2014, section 88.53, subdivision 2, is amended to read:

63.21 Subd. 2. **Rules.** The director shall make rules and adopt and prescribe such forms  
 63.22 and procedure as ~~shall be~~ is necessary in carrying out the provisions of sections ~~88.47~~  
 63.23 ~~88.49~~ to 88.53; and the director and every county board, county recorder, registrar of titles,  
 63.24 assessor, tax collector, and every other person in official authority having any duties to  
 63.25 perform under or growing out of sections ~~88.47~~ 88.49 to 88.53 are hereby severally vested  
 63.26 with full power and authority to enforce such rules, employ help and assistance, acquire  
 63.27 and use equipment and supplies, or do any other act or thing reasonably necessary to the  
 63.28 proper performance of duties under or arising from the administration and enforcement of  
 63.29 sections ~~88.47~~ 88.49 to 88.53. ~~It shall be the duty of~~ The director ~~to~~ must cause periodic  
 63.30 inspections to be made of all auxiliary forests for the purpose of determining whether  
 63.31 relative contract and statutory provisions ~~relative thereto~~ are being complied with.

63.32 Sec. 58. Minnesota Statutes 2014, section 88.6435, subdivision 4, is amended to read:

64.1 Subd. 4. **Forest bough account; disposition of fees.** (a) The forest bough account  
 64.2 is established in the state treasury within the natural resources fund.

64.3 (b) Fees for permits issued under this section ~~shall~~ must be deposited in the state  
 64.4 treasury and credited to the forest bough account and, except for the electronic licensing  
 64.5 system commission established by the commissioner under section 84.027, subdivision  
 64.6 15, are annually appropriated to the commissioner of natural resources for costs associated  
 64.7 with ~~balsam bough educational~~ special forest product information and education programs  
 64.8 for harvesters and buyers.

82.3 Sec. 19. Minnesota Statutes 2014, section 88.6435, subdivision 4, is amended to read:

82.4 Subd. 4. **Forest bough account; disposition of fees.** (a) The forest bough account  
 82.5 is established in the state treasury within the natural resources fund.

82.6 (b) Fees for permits issued under this section ~~shall~~ must be deposited in the state  
 82.7 treasury and credited to the forest bough account and, except for the electronic licensing  
 82.8 system commission established by the commissioner under section 84.027, subdivision  
 82.9 15, are annually appropriated to the commissioner of natural resources for costs associated  
 82.10 with ~~balsam bough educational~~ special forest product information and education programs  
 82.11 for harvesters and buyers.



64.9 Sec. 59. Minnesota Statutes 2014, section 90.14, is amended to read:

64.10 **90.14 AUCTION SALE PROCEDURE.**

64.11 (a) All state timber shall be offered and sold by the same unit of measurement as it  
64.12 was appraised. No tract shall be sold to any person other than the purchaser in whose name  
64.13 the bid was made. The commissioner may refuse to approve any and all bids received and  
64.14 cancel a sale of state timber for good and sufficient reasons.

64.15 (b) The purchaser at any sale of timber shall, immediately upon the approval of the  
64.16 bid, or, if unsold at public auction, at the time of purchase at a subsequent sale under section  
64.17 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the  
64.18 appraised value. In case any purchaser fails to make such payment, the purchaser shall be  
64.19 liable therefor to the state in a civil action, and the commissioner may reoffer the timber for  
64.20 sale as though no bid or sale under section 90.101, subdivision 1, therefor had been made.

64.21 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state  
64.22 timber may, at the time of payment by the purchaser to the commissioner of 15 percent  
64.23 of the appraised value, elect in writing on a form prescribed by the attorney general to  
64.24 purchase a permit based solely on the appraiser's estimate of the volume of timber described  
64.25 in the permit, provided that the commissioner has expressly designated the availability of  
64.26 such option for that tract on the list of tracts available for sale as required under section  
64.27 90.101. A purchaser who elects in writing on a form prescribed by the attorney general  
64.28 to purchase a permit based solely on the appraiser's estimate of the volume of timber  
64.29 described on the permit does not have recourse to the provisions of section 90.281.

64.30 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall  
64.31 be awarded to the high bidder, who shall pay to the commissioner a down payment of 15  
64.32 percent of the appraised value that must be received or postmarked within 14 days of  
64.33 the date of the sealed bid opening. If a purchaser fails to make the down payment, the  
64.34 purchaser is liable for the down payment to the state and the commissioner may offer the  
64.35 timber for sale to the next highest bidder as though no higher bid had been made.

65.1 (e) Except as otherwise provided by law, at the time the purchaser signs a permit  
65.2 issued under section 90.151, the commissioner shall require the purchaser to make a bid  
65.3 guarantee payment to the commissioner in an amount equal to 15 percent of the total  
65.4 purchase price of the permit less the down payment amount required by paragraph (b)  
65.5 for any bid increase in excess of \$5,000 \$10,000 of the appraised value. If a required bid  
65.6 guarantee payment is not submitted with the signed permit, no harvesting may occur, the  
65.7 permit cancels, and the down payment for timber forfeits to the state. The bid guarantee  
65.8 payment forfeits to the state if the purchaser and successors in interest fail to execute  
65.9 an effective permit.

65.10 **EFFECTIVE DATE.** This section is effective June 1, 2015, and applies to permits

65.11 sold on or after that date.

82.12 Sec. 20. Minnesota Statutes 2014, section 90.14, is amended to read:

82.13 **90.14 AUCTION SALE PROCEDURE.**

82.14 (a) All state timber shall be offered and sold by the same unit of measurement as it  
82.15 was appraised. No tract shall be sold to any person other than the purchaser in whose name  
82.16 the bid was made. The commissioner may refuse to approve any and all bids received and  
82.17 cancel a sale of state timber for good and sufficient reasons.

82.18 (b) The purchaser at any sale of timber shall, immediately upon the approval of the  
82.19 bid, or, if unsold at public auction, at the time of purchase at a subsequent sale under section  
82.20 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the  
82.21 appraised value. In case any purchaser fails to make such payment, the purchaser shall be  
82.22 liable therefor to the state in a civil action, and the commissioner may reoffer the timber for  
82.23 sale as though no bid or sale under section 90.101, subdivision 1, therefor had been made.

82.24 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state  
82.25 timber may, at the time of payment by the purchaser to the commissioner of 15 percent  
82.26 of the appraised value, elect in writing on a form prescribed by the attorney general to  
82.27 purchase a permit based solely on the appraiser's estimate of the volume of timber described  
82.28 in the permit, provided that the commissioner has expressly designated the availability of  
82.29 such option for that tract on the list of tracts available for sale as required under section  
82.30 90.101. A purchaser who elects in writing on a form prescribed by the attorney general  
82.31 to purchase a permit based solely on the appraiser's estimate of the volume of timber  
82.32 described on the permit does not have recourse to the provisions of section 90.281.

82.33 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall  
82.34 be awarded to the high bidder, who shall pay to the commissioner a down payment of 15  
83.1 percent of the appraised value that must be received or postmarked within 14 days of  
83.2 the date of the sealed bid opening. If a purchaser fails to make the down payment, the  
83.3 purchaser is liable for the down payment to the state and the commissioner may offer the  
83.4 timber for sale to the next highest bidder as though no higher bid had been made.

83.5 (e) Except as otherwise provided by law, at the time the purchaser signs a permit  
83.6 issued under section 90.151, the commissioner shall require the purchaser to make a bid  
83.7 guarantee payment to the commissioner in an amount equal to 15 percent of the total  
83.8 purchase price of the permit less the down payment amount required by paragraph (b)  
83.9 for any bid increase in excess of \$5,000 \$10,000 of the appraised value. If a required bid  
83.10 guarantee payment is not submitted with the signed permit, no harvesting may occur, the  
83.11 permit cancels, and the down payment for timber forfeits to the state. The bid guarantee  
83.12 payment forfeits to the state if the purchaser and successors in interest fail to execute  
83.13 an effective permit.

83.14 **EFFECTIVE DATE.** This section is effective June 1, 2015, and applies to permits

83.15 sold on or after that date.

65.12 Sec. 60. Minnesota Statutes 2014, section 90.193, is amended to read:

65.13 **90.193 EXTENSION OF TIMBER PERMITS.**

65.14 The commissioner may, in the case of an exceptional circumstance beyond the  
65.15 control of the timber permit holder which makes it unreasonable, impractical, and not  
65.16 feasible to complete cutting and removal under the permit within the time allowed, grant  
65.17 one regular extension for one year. A written request for the regular extension must be  
65.18 received by the commissioner before the permit expires. The request must state the reason  
65.19 the extension is necessary and be signed by the permit holder. An interest rate of ~~eight~~  
65.20 five percent may be charged for the period of extension.

65.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

65.22 Sec. 61. **[92.83] CONDEMNATION OF SCHOOL TRUST LAND.**

65.23 Subdivision 1. **Purpose.** The purpose of this section is to extinguish the school trust  
65.24 interest in school trust lands where long-term economic return is prohibited by designation  
65.25 or policy while producing economic benefits for Minnesota's public schools. For the  
65.26 purposes of satisfying the Minnesota Constitution, article XI, section 8, which limits the  
65.27 sale of school trust lands to a public sale, the commissioner of natural resources shall  
65.28 acquire school trust lands through condemnation, as provided in subdivision 2.

65.29 Subd. 2. **Commencement of condemnation proceedings.** When the commissioner  
65.30 of natural resources has determined sufficient money is available to acquire any of the  
65.31 lands identified under section 84.027, subdivision 18, paragraph (c), the commissioner  
65.32 shall proceed to extinguish the school trust interest by condemnation action. When  
66.1 requested by the commissioner, the attorney general shall commence condemnation of  
66.2 the identified school trust lands.

66.3 Subd. 3. **Payment.** The portion of the payment of the award and judgment that  
66.4 is for the value of the land shall be deposited into the permanent school fund. The  
66.5 remainder of the award and judgment payment shall first be remitted for reimbursement  
66.6 to the accounts from which expenses were paid, with any remainder deposited into the  
66.7 permanent school fund.

66.8 Subd. 4. **Account.** The school trust lands account is created in the state treasury.  
66.9 Money credited to the account is appropriated to the commissioner of natural resources  
66.10 for the purposes of this section.

83.16 Sec. 21. Minnesota Statutes 2014, section 90.193, is amended to read:

83.17 **90.193 EXTENSION OF TIMBER PERMITS.**

83.18 The commissioner may, in the case of an exceptional circumstance beyond the  
83.19 control of the timber permit holder which makes it unreasonable, impractical, and not  
83.20 feasible to complete cutting and removal under the permit within the time allowed, grant  
83.21 one regular extension for one year. A written request for the regular extension must be  
83.22 received by the commissioner before the permit expires. The request must state the reason  
83.23 the extension is necessary and be signed by the permit holder. An interest rate of ~~eight~~  
83.24 five percent may be charged for the period of extension.

83.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

83.26 Sec. 22. **[92.83] CONDEMNATION OF SCHOOL TRUST LAND.**

83.27 Subdivision 1. **Purpose.** The purpose of this section is to extinguish the school trust  
83.28 interest in school trust lands where long-term economic return is prohibited by designation  
83.29 or policy while producing economic benefits for Minnesota's public schools. For the  
83.30 purposes of satisfying the Minnesota Constitution, article XI, section 8, which limits the  
83.31 sale of school trust lands to a public sale, the commissioner of natural resources shall  
83.32 acquire school trust lands through condemnation, as provided in subdivision 2.

84.1 Subd. 2. **Commencement of condemnation proceedings.** When the commissioner  
84.2 of natural resources has determined sufficient money is available to acquire any of the  
84.3 lands identified under section 84.027, subdivision 18, paragraph (c), the commissioner  
84.4 shall proceed to extinguish the school trust interest by condemnation action. When  
84.5 requested by the commissioner, the attorney general shall commence condemnation of  
84.6 the identified school trust lands.

84.7 Subd. 3. **Payment.** The portion of the payment of the award and judgment that  
84.8 is for the value of the land shall be deposited into the permanent school fund. The  
84.9 remainder of the award and judgment payment shall first be remitted for reimbursement  
84.10 to the accounts from which expenses were paid, with any remainder deposited into the  
84.11 permanent school fund.

84.12 Subd. 4. **Account.** The school trust lands account is created in the state treasury.  
84.13 Money credited to the account is appropriated to the commissioner of natural resources  
84.14 for the purposes of this section.

84.15 Sec. 23. Minnesota Statutes 2014, section 93.20, subdivision 18, is amended to read:

84.16 Subd. 18. **Schedule 7.** Schedule 7. Taconite ore shall be understood to mean a  
84.17 ferruginous chert or ferruginous slate in the form of compact siliceous rock, in which the  
84.18 iron oxide is so finely disseminated that substantially all of the iron-bearing particles of  
84.19 merchantable grade are smaller than 20 mesh.

84.20 Taconite concentrates shall be understood to mean the merchantable product, suitable  
84.21 for blast furnace use, which, in accordance with good engineering and metallurgical  
84.22 practice, has been produced from taconite ore which requires treatment by fine grinding,  
84.23 magnetic separation, flotation, or some other method or methods other than or in addition  
84.24 to one or more of the methods specified in schedules 1 to 6, inclusive.

84.25 On a ton of taconite concentrates averaging in dried iron 40.49 percent or less, the  
84.26 royalty shall be no less than 11 cents. The royalty rate shall be increased one percent for  
84.27 each increase of one percent, or fraction thereof, in dried iron analysis.

84.28 In lieu of payment of such royalty on the taconite concentrates, royalty payments  
84.29 may be made on the taconite ore as set forth in section 93.201.

84.30 **EFFECTIVE DATE.** This section is effective the day following final enactment  
84.31 and applies to both existing and new leases entered into under this section.

66.11 Sec. 62. Minnesota Statutes 2014, section 94.10, subdivision 2, is amended to read:

66.12 Subd. 2. **Public sale requirements.** (a) After complying with subdivision 1 and  
66.13 before any public sale of surplus state-owned land is made and at least 30 days before  
66.14 the sale, the commissioner of natural resources shall publish a notice of the sale in a  
66.15 newspaper of general distribution in the county in which the real property to be sold is  
66.16 situated. The notice shall specify the time and place at which the sale will commence, a  
66.17 general description of the lots or tracts to be offered, and a general statement of the terms  
66.18 of sale. The commissioner shall also provide electronic notice of sale.

66.19 (b) The minimum bid for a parcel of land must include the estimated value or  
66.20 appraised value of the land and any improvements and, if any of the land is valuable for  
66.21 merchantable timber, the value of the merchantable timber. The minimum bid may include  
66.22 expenses incurred by the commissioner in rendering the property salable, including  
66.23 survey, appraisal, legal, advertising, and other expenses.

66.24 (c) Except as provided under paragraph (d), parcels remaining unsold after the  
66.25 offering may be sold to anyone agreeing to pay at least 75 percent of the appraised  
66.26 value. The sale shall continue until all parcels are sold or until the commissioner orders a  
66.27 reappraisal or withdraws the remaining parcels from sale.

66.28 (d) The commissioner may retain the services of a licensed real estate broker to find  
66.29 a buyer for parcels remaining unsold after the offering. The sale price may be negotiated  
66.30 by the broker, but must not be less than 90 percent of the appraised value as determined by  
66.31 the commissioner. The broker's fee must be established by prior agreement between the  
66.32 commissioner and the broker and must not exceed ten percent of the sale price for sales of  
66.33 \$10,000 or more. The broker's fee must be paid to the broker from the proceeds of the sale.

66.34 Sec. 63. Minnesota Statutes 2014, section 94.16, subdivision 2, is amended to read:

67.1 Subd. 2. **Payment of expenses.** A portion of the proceeds from the sale equal  
 67.2 in amount to the survey, appraisal, legal, advertising, real estate broker fee, and other  
 67.3 expenses incurred by the commissioner of natural resources in rendering the property  
 67.4 salable and sold shall be remitted to the account from which the expenses were paid,  
 67.5 and are appropriated and immediately available for expenditure in the same manner as  
 67.6 other money in the account.

67.7 Sec. 64. Minnesota Statutes 2014, section 94.16, subdivision 3, is amended to read:

67.8 Subd. 3. **Proceeds from natural resources land.** (a) Except as provided in  
 67.9 ~~paragraph paragraphs~~ (b) and (c), the remainder of the proceeds from the sale of lands  
 67.10 classified as a unit of the outdoor recreation system under section 86A.05 that were under  
 67.11 the control and supervision of the commissioner of natural resources shall be credited to  
 67.12 the land acquisition account in the natural resources fund.

67.13 (b) The remainder of the proceeds from the sale of administrative sites under the  
 67.14 control and supervision of the commissioner of natural resources shall be credited to the  
 67.15 facilities management account established under section 84.0857 and used to acquire  
 67.16 facilities or renovate existing buildings for administrative use or to acquire land for,  
 67.17 design, and construct administrative buildings for the Department of Natural Resources.

67.18 (c) The remainder of the proceeds from the sale of land not within a unit of the  
 67.19 outdoor recreation system under section 86A.05 and not an administrative site, but under  
 67.20 the control and supervision of the commissioner of natural resources, shall be credited to  
 67.21 the school trust lands account established under section 92.83.

84.32 Sec. 24. Minnesota Statutes 2014, section 94.16, subdivision 3, is amended to read:

84.33 Subd. 3. **Proceeds from natural resources land.** (a) Except as provided in  
 84.34 ~~paragraph paragraphs~~ (b) and (c), the remainder of the proceeds from the sale of lands  
 85.1 classified as a unit of the outdoor recreation system under section 86A.05 that were under  
 85.2 the control and supervision of the commissioner of natural resources shall be credited to  
 85.3 the land acquisition account in the natural resources fund.

85.4 (b) The remainder of the proceeds from the sale of administrative sites under the  
 85.5 control and supervision of the commissioner of natural resources shall be credited to the  
 85.6 facilities management account established under section 84.0857 and used to acquire  
 85.7 facilities or renovate existing buildings for administrative use or to acquire land for,  
 85.8 design, and construct administrative buildings for the Department of Natural Resources.

85.9 (c) The remainder of the proceeds from the sale of land not within a unit of the  
 85.10 outdoor recreation system under section 86A.05 and not an administrative site, but under  
 85.11 the control and supervision of the commissioner of natural resources, shall be credited to  
 85.12 the school trust lands account established under section 92.83.

85.13 Sec. 25. Minnesota Statutes 2014, section 97A.055, subdivision 4b, is amended to read:

85.14 Subd. 4b. **Citizen oversight committees.** (a) The commissioner shall appoint  
 85.15 committees of affected persons to review the reports prepared under subdivision 4; review  
 85.16 the proposed work plans and budgets for the coming year; propose changes in policies,  
 85.17 activities, and revenue enhancements or reductions; review other relevant information;  
 85.18 and make recommendations to the legislature and the commissioner for improvements in  
 85.19 the management and use of money in the game and fish fund.

85.20 (b) The commissioner shall appoint the following committees, each comprised  
 85.21 of at least ten affected persons:

85.22 (1) a Fisheries Oversight Committee to review fisheries funding and expenditures,  
 85.23 including activities related to trout and salmon stamps and walleye stamps; and

85.24 (2) a Wildlife Oversight Committee to review wildlife funding and expenditures,  
 85.25 including activities related to migratory waterfowl, pheasant, and wild turkey management  
 85.26 and deer and big game management.

85.27 (c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight  
 85.28 Committee, and four additional members from each committee, shall form a Budgetary  
 85.29 Oversight Committee to coordinate the integration of the fisheries and wildlife oversight  
 85.30 committee reports into an annual report to the legislature; recommend changes on a broad  
 85.31 level in policies, activities, and revenue enhancements or reductions; and provide a forum  
 85.32 to address issues that transcend the fisheries and wildlife oversight committees.

85.33 (d) The Budgetary Oversight Committee shall develop recommendations for a  
 85.34 biennial budget plan and report for expenditures on game and fish activities. By August 15  
 85.35 of each even-numbered year, the committee shall submit the budget plan recommendations  
 86.1 to the commissioner and to the senate and house of representatives committees with  
 86.2 jurisdiction over natural resources finance.

86.3 (e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight  
 86.4 Committee shall be chosen by their respective committees. The chair of the Budgetary  
 86.5 Oversight Committee shall be appointed by the commissioner and may not be the chair of  
 86.6 either of the other oversight committees.

86.7 (f) The Budgetary Oversight Committee may make recommendations to the  
 86.8 commissioner and to the senate and house of representatives committees with jurisdiction  
 86.9 over natural resources finance for outcome goals from expenditures.

86.10 (g) The committees authorized under this subdivision are not advisory councils or  
 86.11 committees governed by section 15.059 and are not subject to section 15.059. Committee  
 86.12 members appointed by the commissioner may request reimbursement for mileage  
 86.13 expenses in the same manner and amount as authorized by the commissioner's plan  
 86.14 adopted under section 43A.18, subdivision 2. Committee members must not receive daily  
 86.15 compensation for oversight activities. The Fisheries Oversight Committee, the Wildlife  
 86.16 Oversight Committee, and the Budgetary Oversight Committee expire June 30, 2015 2020.

86.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

67.22 Sec. 65. Minnesota Statutes 2014, section 97B.668, is amended to read:

67.23 **97B.668 CANADA-GEESE GAME BIRDS CAUSING DAMAGE.**

67.24 Notwithstanding sections 97B.091 and 97B.805, subdivisions 1 and 2, a person or  
 67.25 agent of that person on lands and nonpublic waters owned or operated by the person  
 67.26 may nonlethally scare, haze, chase, or harass Canada-geese game birds that are causing  
 67.27 property damage from March 11 to August 31 or to protect a disease risk at any time or  
 67.28 place that a hunting season for the game birds is not open. This section does not apply to  
 67.29 public waters as defined under section 103G.005, subdivision 15, or. This section does not  
 67.30 apply to migratory waterfowl on nests and other federally protected game birds on nests,  
 67.31 except ducks and geese on nests unless when a permit is obtained under section 97A.401.

67.32 Sec. 66. Minnesota Statutes 2014, section 97C.005, subdivision 1, is amended to read:

68.1 Subdivision 1. **Definition; designation.** (a) Special management waters are waters  
68.2 that:

68.3 (1) have been subject to special regulations that have been evaluated and proven  
68.4 effective under an experimental waters designation under section 97C.001; or

68.5 (2) are classified by the commissioner for primary use as trophy lakes, family fishing  
68.6 lakes, designated trout lakes, designated trout streams, special species management lakes,  
68.7 and other designated uses.

68.8 (b) Except as provided under subdivision 4, the commissioner may designate any  
68.9 waters of the state, including experimental waters, as special management waters. The  
68.10 commissioner shall by rule establish methods and criteria for public participation in the  
68.11 evaluation and designation of waters as special management waters.

68.12 (c) Designation of special management waters under this section is not subject  
68.13 to chapter 14.

68.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

68.15 Sec. 67. Minnesota Statutes 2014, section 97C.005, is amended by adding a  
68.16 subdivision to read:

68.17 Subd. 4. **Trout streams; legislative approval.** The commissioner shall not  
68.18 designate a man-made stream as a trout stream. The commissioner shall not designate a  
68.19 stream as a trout stream unless the legislature approves the designation.

68.20 **EFFECTIVE DATE.** This section is effective the day following final enactment  
68.21 and applies to designations made on or after that date.

68.22 Sec. 68. Minnesota Statutes 2014, section 97C.301, is amended by adding a  
68.23 subdivision to read:

68.24 Subd. 2a. **Aquatic invasive species affirmation.** (a) A nonresident license to  
68.25 take fish issued under section 97A.475, subdivision 7, includes aquatic invasive species  
68.26 affirmation as provided in section 84D.106.

68.27 (b) The aquatic invasive species affirmation portion of the license must be displayed  
68.28 with the signed nonresident license to take fish issued under section 97A.475, subdivision  
68.29 7. The aquatic invasive species affirmation will be provided at the time of purchase of a  
68.30 new or duplicate nonresident license.

68.31 (c) If a license is purchased online, the aquatic invasive species affirmation may be  
68.32 completed electronically as part of the online sales process, and the electronic record of  
68.33 the license sale is sufficient for documenting the affirmation.

86.23 Sec. 27. Minnesota Statutes 2014, section 97C.301, is amended by adding a  
86.24 subdivision to read:

86.25 Subd. 2a. **Aquatic invasive species affirmation.** (a) A nonresident license to  
86.26 take fish issued under section 97A.475, subdivision 7, includes aquatic invasive species  
86.27 affirmation as provided in section 84D.106.

86.28 (b) The aquatic invasive species affirmation portion of the license must be displayed  
86.29 with the signed nonresident license to take fish issued under section 97A.475, subdivision  
86.30 7. The aquatic invasive species affirmation will be provided at the time of purchase of a  
86.31 new or duplicate nonresident license.

86.32 (c) If a license is purchased online, the aquatic invasive species affirmation may be  
86.33 completed electronically as part of the online sales process, and the electronic record of  
86.34 the license sale will be sufficient for documenting the affirmation.

69.1 (d) Failure to complete the aquatic invasive species affirmation in this subdivision is  
 69.2 subject to the penalty prescribed in section 84D.13, subdivision 5.

69.3 **EFFECTIVE DATE.** This section is effective March 1, 2016.

69.4 Sec. 69. Minnesota Statutes 2014, section 103B.101, is amended by adding a  
 69.5 subdivision to read:

69.6 Subd. 16. **Wetland stakeholder coordination.** The board shall work with  
 69.7 wetland stakeholders to foster mutual understanding and provide recommendations for  
 69.8 improvements to the management of wetlands and related land and water resources,  
 69.9 including recommendations for updating the Wetland Conservation Act, developing  
 69.10 an in-lieu fee program as defined in section 103G.005, subdivision 10g, and related  
 69.11 provisions. The board may convene informal working groups or work teams to provide  
 69.12 information and education and to develop recommendations.

69.13 Sec. 70. **[103B.103] EASEMENT STEWARDSHIP ACCOUNTS.**

69.14 Subdivision 1. **Accounts established; sources.** (a) The water and soil conservation  
 69.15 easement stewardship account and the mitigation easement stewardship account are  
 69.16 created in the special revenue fund. The accounts consist of money credited to the  
 69.17 accounts and interest and other earnings on money in the accounts. The State Board of  
 69.18 Investment must manage the accounts to maximize long-term gain.

69.19 (b) Revenue from contributions and money appropriated for any purposes of the  
 69.20 account as described in subdivision 2 must be deposited in the water and soil conservation  
 69.21 easement stewardship account. Revenue from contributions, wetland banking fees  
 69.22 designated for stewardship purposes by the board, easement stewardship payments  
 69.23 authorized under subdivision 3, and money appropriated for any purposes of the account  
 69.24 as described in subdivision 2 must be deposited in the mitigation easement stewardship  
 69.25 account.

69.26 Subd. 2. **Appropriation; purposes of accounts.** Five percent of the balance on  
 69.27 July 1 each year in the water and soil conservation easement stewardship account and  
 69.28 five percent of the balance on July 1 each year in the mitigation easement stewardship  
 69.29 account are annually appropriated to the board and may be spent only to cover the costs  
 69.30 of managing easements held by the board, including costs associated with monitoring,  
 69.31 landowner contacts, records storage and management, processing landowner notices,  
 69.32 requests for approval or amendments, enforcement, and legal services associated with  
 69.33 easement management activities.

87.1 (d) Failure to complete the aquatic invasive species affirmation in this subdivision is  
 87.2 subject to the penalty prescribed in section 84D.13, subdivision 5.

87.3 **EFFECTIVE DATE.** This section is effective March 1, 2016.

87.4 Sec. 28. Minnesota Statutes 2014, section 103B.101, is amended by adding a  
 87.5 subdivision to read:

87.6 Subd. 16. **Wetland stakeholder coordination.** The board shall work with  
 87.7 wetland stakeholders to foster mutual understanding and provide recommendations for  
 87.8 improvements to the management of wetlands and related land and water resources,  
 87.9 including recommendations for updating the Wetland Conservation Act, developing  
 87.10 an in-lieu fee program as defined in section 103G.005, subdivision 10g, and related  
 87.11 provisions. The board may convene informal working groups or work teams to provide  
 87.12 information and education and to develop recommendations.

87.13 Sec. 29. **[103B.103] EASEMENT STEWARDSHIP ACCOUNTS.**

87.14 Subdivision 1. **Accounts established; sources.** (a) The water and soil conservation  
 87.15 easement stewardship account and the mitigation easement stewardship account are  
 87.16 created in the special revenue fund. The accounts consist of money credited to the  
 87.17 accounts and interest and other earnings on money in the accounts. The State Board of  
 87.18 Investment must manage the accounts to maximize long-term gain.

87.19 (b) Revenue from contributions and money appropriated for any purposes of the  
 87.20 account as described in subdivision 2 must be deposited in the water and soil conservation  
 87.21 easement stewardship account. Revenue from contributions, wetland banking fees  
 87.22 designated for stewardship purposes by the board, easement stewardship payments  
 87.23 authorized under subdivision 3, and money appropriated for any purposes of the account  
 87.24 as described in subdivision 2 must be deposited in the mitigation easement stewardship  
 87.25 account.

87.26 Subd. 2. **Appropriation; purposes of accounts.** Five percent of the balance on  
 87.27 July 1 each year in the water and soil conservation easement stewardship account and  
 87.28 five percent of the balance on July 1 each year in the mitigation easement stewardship  
 87.29 account are annually appropriated to the board and may be spent only to cover the costs  
 87.30 of managing easements held by the board, including costs associated with monitoring,  
 87.31 landowner contacts, records storage and management, processing landowner notices,  
 87.32 requests for approval or amendments, enforcement, and legal services associated with  
 87.33 easement management activities.

70.1 Subd. 3. **Financial contributions.** The board shall seek a financial contribution  
 70.2 to the water and soil conservation easement stewardship account for each conservation  
 70.3 easement acquired by the board. The board shall seek a financial contribution or assess an  
 70.4 easement stewardship payment to the mitigation easement stewardship account for each  
 70.5 wetland banking easement acquired by the board. Unless otherwise provided by law,  
 70.6 the board shall determine the amount of the contribution or payment, which must be an  
 70.7 amount calculated to earn sufficient money to meet the costs of managing the easement at  
 70.8 a level that neither significantly overrecovers nor underrecovers the costs. In determining  
 70.9 the amount of the financial contribution, the board shall consider:

70.10 (1) the estimated annual staff hours needed to manage the conservation easement,  
 70.11 taking into consideration factors such as easement type, size, location, and complexity;

70.12 (2) the average hourly wages for the class or classes of state and local employees  
 70.13 expected to manage the easement;

70.14 (3) the estimated annual travel expenses to manage the easement;

70.15 (4) the estimated annual miscellaneous costs to manage the easement, including  
 70.16 supplies and equipment, information technology support, and aerial flyovers;

70.17 (5) the estimated annualized costs of legal services, including the cost to enforce the  
 70.18 easement in the event of a violation; and

70.19 (6) the expected rate of return on investments in the account.

70.20 **EFFECTIVE DATE.** Subdivisions 1 and 2 of this section are effective the day  
 70.21 following final enactment. Subdivision 3 of this section is effective for conservation  
 70.22 easements acquired with money appropriated on or after July 1, 2015, and for acquisitions  
 70.23 of conservation easements by gift or as a condition of approval for wetland mitigation as  
 70.24 provided in Minnesota Rules, chapter 8420, that are initiated on or after July 1, 2015.

70.25 Sec. 71. Minnesota Statutes 2014, section 103B.3355, is amended to read:

70.26 **103B.3355 WETLAND FUNCTIONS FOR DETERMINING PUBLIC**  
 70.27 **VALUES.**

70.28 (a) The public values of wetlands must be determined based upon the functions of  
 70.29 wetlands for:

70.30 (1) water quality, including filtering of pollutants to surface and groundwater,  
 70.31 utilization of nutrients that would otherwise pollute public waters, trapping of sediments,  
 70.32 shoreline protection, and utilization of the wetland as a recharge area for groundwater;

71.1 (2) floodwater and storm water retention, including the potential for flooding in  
 71.2 the watershed, the value of property subject to flooding, and the reduction in potential  
 71.3 flooding by the wetland;

88.1 Subd. 3. **Financial contributions.** The board shall seek a financial contribution  
 88.2 to the water and soil conservation easement stewardship account for each conservation  
 88.3 easement acquired by the board. The board shall seek a financial contribution or assess an  
 88.4 easement stewardship payment to the mitigation easement stewardship account for each  
 88.5 wetland banking easement acquired by the board. Unless otherwise provided by law,  
 88.6 the board shall determine the amount of the contribution or payment, which must be an  
 88.7 amount calculated to earn sufficient money to meet the costs of managing the easement at  
 88.8 a level that neither significantly overrecovers nor underrecovers the costs. In determining  
 88.9 the amount of the financial contribution, the board shall consider:

88.10 (1) the estimated annual staff hours needed to manage the conservation easement,  
 88.11 taking into consideration factors such as easement type, size, location, and complexity;

88.12 (2) the average hourly wages for the class or classes of state and local employees  
 88.13 expected to manage the easement;

88.14 (3) the estimated annual travel expenses to manage the easement;

88.15 (4) the estimated annual miscellaneous costs to manage the easement, including  
 88.16 supplies and equipment, information technology support, and aerial flyovers;

88.17 (5) the estimated annualized costs of legal services, including the cost to enforce the  
 88.18 easement in the event of a violation; and

88.19 (6) the expected rate of return on investments in the account.

88.20 **EFFECTIVE DATE.** Subdivisions 1 and 2 of this section are effective the day  
 88.21 following final enactment. Subdivision 3 of this section is effective for conservation  
 88.22 easements acquired with money appropriated on or after July 1, 2015, and for acquisitions  
 88.23 of conservation easements by gift or as a condition of approval for wetland mitigation as  
 88.24 provided in Minnesota Rules, chapter 8420, that are initiated on or after July 1, 2015.

88.25 Sec. 30. Minnesota Statutes 2014, section 103B.3355, is amended to read:

88.26 **103B.3355 WETLAND FUNCTIONS FOR DETERMINING PUBLIC**  
 88.27 **VALUES.**

88.28 (a) The public values of wetlands must be determined based upon the functions of  
 88.29 wetlands for:

88.30 (1) water quality, including filtering of pollutants to surface and groundwater,  
 88.31 utilization of nutrients that would otherwise pollute public waters, trapping of sediments,  
 88.32 shoreline protection, and utilization of the wetland as a recharge area for groundwater;

89.1 (2) floodwater and storm water retention, including the potential for flooding in  
 89.2 the watershed, the value of property subject to flooding, and the reduction in potential  
 89.3 flooding by the wetland;



71.4 (3) public recreation and education, including hunting and fishing areas, wildlife  
71.5 viewing areas, and nature areas;

71.6 (4) commercial uses, including wild rice and cranberry growing and harvesting  
71.7 and aquaculture;

71.8 (5) fish, wildlife, native plant habitats;

71.9 (6) low-flow augmentation;

71.10 (7) carbon sequestration; and

71.11 (8) other public uses.

71.12 (b) The Board of Water and Soil Resources, in consultation with the commissioners of  
71.13 natural resources and agriculture and local government units, shall adopt rules establishing:

71.14 (1) scientific methodologies for determining the functions of wetlands; and

71.15 (2) criteria for determining the resulting public values of wetlands.

71.16 (c) The methodologies and criteria established under this section or other  
71.17 methodologies and criteria that include the functions in paragraph (a) and are approved  
71.18 by the board, in consultation with the commissioners of natural resources and agriculture  
71.19 and local government units, must be used to determine the functions and resulting public  
71.20 values of wetlands in the state. The functions listed in paragraph (a) are not listed in  
71.21 order of priority.

71.22 (d) Public value criteria established or approved by the board under this section do  
71.23 not apply in areas subject to local comprehensive wetland protection and management  
71.24 plans established under section 103G.2243.

71.25 (e) The Board of Water and Soil Resources, in consultation with the commissioners  
71.26 of natural resources and agriculture and local government units, ~~may~~ must identify ~~regions~~  
71.27 areas of the state where preservation, enhancement, restoration, and establishment  
71.28 of wetlands would have high public value. The board, in consultation with the  
71.29 commissioners, ~~may~~ must identify high priority ~~wetland-regions~~ areas for wetland  
71.30 replacement using available information relating to the factors listed in paragraph  
71.31 (a), the historic loss and abundance of wetlands, current applicable state and local  
71.32 government water management and natural resource plans, and studies using a watershed  
71.33 approach to identify current and future watershed needs. The board shall notify local  
71.34 units of government with water planning authority of these high priority regions areas.  
71.35 Designation of high priority areas is exempt from the rulemaking requirements of chapter  
72.1 14, and section 14.386 does not apply. Designation of high priority areas is not effective  
72.2 until 30 days after publication in the State Register.

89.4 (3) public recreation and education, including hunting and fishing areas, wildlife  
89.5 viewing areas, and nature areas;

89.6 (4) commercial uses, including wild rice and cranberry growing and harvesting  
89.7 and aquaculture;

89.8 (5) fish, wildlife, native plant habitats;

89.9 (6) low-flow augmentation;

89.10 (7) carbon sequestration; and

89.11 (8) other public uses.

89.12 (b) The Board of Water and Soil Resources, in consultation with the commissioners of  
89.13 natural resources and agriculture and local government units, shall adopt rules establishing:

89.14 (1) scientific methodologies for determining the functions of wetlands; and

89.15 (2) criteria for determining the resulting public values of wetlands.

89.16 (c) The methodologies and criteria established under this section or other  
89.17 methodologies and criteria that include the functions in paragraph (a) and are approved  
89.18 by the board, in consultation with the commissioners of natural resources and agriculture  
89.19 and local government units, must be used to determine the functions and resulting public  
89.20 values of wetlands in the state. The functions listed in paragraph (a) are not listed in  
89.21 order of priority.

89.22 (d) Public value criteria established or approved by the board under this section do  
89.23 not apply in areas subject to local comprehensive wetland protection and management  
89.24 plans established under section 103G.2243.

89.25 (e) The Board of Water and Soil Resources, in consultation with the commissioners  
89.26 of natural resources and agriculture and local government units, ~~may~~ must identify ~~regions~~  
89.27 areas of the state where preservation, enhancement, restoration, and establishment  
89.28 of wetlands would have high public value. The board, in consultation with the  
89.29 commissioners, ~~may~~ must identify high priority ~~wetland-regions~~ areas for wetland  
89.30 replacement using available information relating to the factors listed in paragraph  
89.31 (a), the historic loss and abundance of wetlands, current applicable state and local  
89.32 government water management and natural resource plans, and studies using a watershed  
89.33 approach to identify current and future watershed needs. The board shall notify local  
89.34 units of government with water planning authority of these high priority regions areas.  
89.35 Designation of high priority areas is exempt from the rulemaking requirements of chapter  
90.1 14, and section 14.386 does not apply. Designation of high priority areas is not effective  
90.2 until 30 days after publication in the State Register.

72.3 (f) Local units of government, as part of a state-approved comprehensive local  
72.4 water management plan as defined in section 103B.3363, subdivision 3, a state-approved  
72.5 comprehensive watershed management plan as defined in section 103B.3363, subdivision  
72.6 3a, or a state-approved local comprehensive wetland protection and management plan  
72.7 under section 103G.2243, may identify priority areas for wetland replacement and provide  
72.8 them for consideration under paragraph (e).

90.3 (f) Local units of government, as part of a state-approved comprehensive local  
90.4 water management plan as defined in section 103B.3363, subdivision 3, a state-approved  
90.5 comprehensive watershed management plan as defined in section 103B.3363, subdivision  
90.6 3a, or a state-approved local comprehensive wetland protection and management plan  
90.7 under section 103G.2243, may identify priority areas for wetland replacement and provide  
90.8 them for consideration under paragraph (e).

90.9 Sec. 31. **[103F.519] WORKING LANDS WATERSHED RESTORATION**  
90.10 **PROGRAM.**

90.11 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms  
90.12 have the meanings given.

90.13 (b) "Advanced biofuel" has the meaning given in section 239.051, subdivision 1a.

90.14 (c) "Agricultural use" has the meaning given in section 17.81, subdivision 4.

90.15 (d) "Board" means the Board of Water and Soil Resources.

90.16 (e) "Perennial crops" means agriculturally produced plants that are known to be  
90.17 noninvasive and not listed as a noxious weed in Minnesota and that have a life cycle of at  
90.18 least three years at the location where the plants are being cultivated. Biomass from alfalfa  
90.19 produced in a two-year rotation is considered a perennial crop.

90.20 Subd. 2. **Establishment.** The board shall administer a perennial feedstock program  
90.21 to incentivize the establishment and maintenance of perennial agricultural crops. The  
90.22 board shall contract with landowners and give priority to contracts that implement water  
90.23 protection actions as identified in a completed watershed restoration and protection  
90.24 strategy developed under section 114D.26.

90.25 Subd. 3. **Eligible land.** Land eligible under this section must:

90.26 (1) have been in agricultural use or have been set aside, enrolled, or diverted under  
90.27 another federal or state government program for at least two of the last five years before  
90.28 the date of application; and

90.29 (2) not be currently set aside, enrolled, or diverted under another federal or state  
90.30 government program.

90.31 Subd. 4. **Contract terms.** (a) The board shall offer a contract rate of no more  
90.32 than 90 percent of the most recent federal conservation reserve program payment for the  
90.33 county in which the land is located. The board may make additional payments to assist  
90.34 with the establishment of perennial crops.

90.35 (b) Contracts must be at least ten years in duration.

72.9 Sec. 72. Minnesota Statutes 2014, section 103F.612, subdivision 2, is amended to read:

72.10 Subd. 2. **Application.** (a) A wetland owner may apply to the county where a  
 72.11 wetland is located for designation of a wetland preservation area in a high priority wetland  
 72.12 area ~~identified in a comprehensive local water plan, as defined in section 103B.3363,~~  
 72.13 ~~subdivision 3, and located within a high priority wetland region~~ designated by the Board  
 72.14 of Water and Soil Resources, if the county chooses to accept wetland preservation area  
 72.15 applications. The application must be made on forms provided by the board. If a wetland  
 72.16 is located in more than one county, the application must be submitted to the county where  
 72.17 the majority of the wetland is located.

72.18 (b) The application shall be executed and acknowledged in the manner required  
 72.19 by law to execute and acknowledge a deed and must contain at least the following  
 72.20 information and other information the Board of Water and Soil Resources requires:

72.21 (1) legal description of the area to be approved, which must include an upland strip  
 72.22 at least 16-1/2 feet in width around the perimeter of wetlands within the area and may  
 72.23 include total upland area of up to four acres for each acre of wetland;

72.24 (2) parcel identification numbers where designated by the county auditor;

72.25 (3) name and address of the owner;

91.1 (c) Perennial crops grown on lands enrolled under this section may be used for  
 91.2 advanced biofuel feedstock or livestock feed. Perennial plants may be processed in a  
 91.3 manner that utilizes a portion of the plant for livestock. Mechanical harvest is not allowed  
 91.4 before July 1 in any year.

91.5 (d) The board shall prioritize lands with the highest potential to leverage federal  
 91.6 funding.

91.7 (e) The board may establish additional contract terms.

91.8 Subd. 5. **Pilot watershed selection.** The board may select up to two watersheds in  
 91.9 which to conduct an initial pilot program of up to 100,000 total acres. Project watersheds  
 91.10 must have, as determined by the board:

91.11 (1) a completed watershed restoration and protection strategy developed under  
 91.12 section 114D.26 or a hydrological simulation program model approved by the Pollution  
 91.13 Control Agency;

91.14 (2) multiple water quality impairments resulting primarily from agricultural practices;

91.15 (3) a viable proposed advanced biofuel production facility located within 50 miles  
 91.16 of the perennial feedstock grown under this section; and

91.17 (4) sufficient additional acres of cropland available for perennial crop production to  
 91.18 adequately supply the proposed advanced biofuel production facility.

91.19 Sec. 32. Minnesota Statutes 2014, section 103F.612, subdivision 2, is amended to read:

91.20 Subd. 2. **Application.** (a) A wetland owner may apply to the county where a  
 91.21 wetland is located for designation of a wetland preservation area in a high priority wetland  
 91.22 area ~~identified in a comprehensive local water plan, as defined in section 103B.3363,~~  
 91.23 ~~subdivision 3, and located within a high priority wetland region~~ designated by the Board  
 91.24 of Water and Soil Resources, if the county chooses to accept wetland preservation area  
 91.25 applications. The application must be made on forms provided by the board. If a wetland  
 91.26 is located in more than one county, the application must be submitted to the county where  
 91.27 the majority of the wetland is located.

91.28 (b) The application shall be executed and acknowledged in the manner required  
 91.29 by law to execute and acknowledge a deed and must contain at least the following  
 91.30 information and other information the Board of Water and Soil Resources requires:

91.31 (1) legal description of the area to be approved, which must include an upland strip  
 91.32 at least 16-1/2 feet in width around the perimeter of wetlands within the area and may  
 91.33 include total upland area of up to four acres for each acre of wetland;

91.34 (2) parcel identification numbers where designated by the county auditor;

91.35 (3) name and address of the owner;

72.26 (4) a statement by the owner covenanting that the land will be preserved as a wetland  
 72.27 and will only be used in accordance with conditions prescribed by the Board of Water and  
 72.28 Soil Resources and providing that the restrictive covenant will be binding on the owner  
 72.29 and the owner's successors or assigns, and will run with the land.

72.30 (c) The upland strip required in paragraph (b), clause (1), must be planted with  
 72.31 permanent vegetation other than a noxious weed.

72.32 Sec. 73. Minnesota Statutes 2014, section 103G.005, is amended by adding a  
 72.33 subdivision to read:

73.1 Subd. 10g. **In-lieu fee program.** "In-lieu fee program" means a program in which  
 73.2 wetland replacement requirements of section 103G.222 are satisfied through payment of  
 73.3 money to the board or a board-approved sponsor to develop replacement credits according  
 73.4 to section 103G.2242, subdivision 12.

73.5 Sec. 74. Minnesota Statutes 2014, section 103G.222, subdivision 1, is amended to read:

73.6 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or  
 73.7 partially, unless replaced by ~~restoring or creating wetland areas of~~ actions that provide  
 73.8 at least equal public value under a replacement plan approved as provided in section  
 73.9 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland  
 73.10 protection and management plan approved by the board under section 103G.2243, or, if a  
 73.11 permit to mine is required under section 93.481, under a mining reclamation plan approved  
 73.12 by the commissioner under the permit to mine. For project-specific wetland replacement  
 73.13 completed prior to wetland impacts authorized or conducted under a permit to mine within  
 73.14 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single  
 73.15 watershed for purposes of determining wetland replacement ratios. Mining reclamation  
 73.16 plans shall apply the same principles and standards for replacing wetlands ~~by restoration~~  
 73.17 ~~or creation of wetland areas~~ that are applicable to mitigation plans approved as provided  
 73.18 in section 103G.2242. Public value must be determined in accordance with section  
 73.19 103B.3355 or a comprehensive wetland protection and management plan established  
 73.20 under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in  
 73.21 permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

73.22 (b) Replacement must be guided by the following principles in descending order  
 73.23 of priority:

73.24 (1) avoiding the direct or indirect impact of the activity that may destroy or diminish  
 73.25 the wetland;

73.26 (2) minimizing the impact by limiting the degree or magnitude of the wetland  
 73.27 activity and its implementation;

73.28 (3) rectifying the impact by repairing, rehabilitating, or restoring the affected  
 73.29 wetland environment;

92.1 (4) a statement by the owner covenanting that the land will be preserved as a wetland  
 92.2 and will only be used in accordance with conditions prescribed by the Board of Water and  
 92.3 Soil Resources and providing that the restrictive covenant will be binding on the owner  
 92.4 and the owner's successors or assigns, and will run with the land.

92.5 (c) The upland strip required in paragraph (b), clause (1), must be planted with  
 92.6 permanent vegetation other than a noxious weed.

92.7 Sec. 33. Minnesota Statutes 2014, section 103G.005, is amended by adding a  
 92.8 subdivision to read:

92.9 Subd. 10g. **In-lieu fee program.** "In-lieu fee program" means a program in which  
 92.10 wetland replacement requirements of section 103G.222 are satisfied through payment of  
 92.11 money to the board or a board-approved sponsor to develop replacement credits according  
 92.12 to section 103G.2242, subdivision 12.

92.13 Sec. 34. Minnesota Statutes 2014, section 103G.222, subdivision 1, is amended to read:

92.14 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or  
 92.15 partially, unless replaced by ~~restoring or creating wetland areas of~~ actions that provide  
 92.16 at least equal public value under a replacement plan approved as provided in section  
 92.17 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland  
 92.18 protection and management plan approved by the board under section 103G.2243, or, if a  
 92.19 permit to mine is required under section 93.481, under a mining reclamation plan approved  
 92.20 by the commissioner under the permit to mine. For project-specific wetland replacement  
 92.21 completed prior to wetland impacts authorized or conducted under a permit to mine within  
 92.22 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single  
 92.23 watershed for purposes of determining wetland replacement ratios. Mining reclamation  
 92.24 plans shall apply the same principles and standards for replacing wetlands ~~by restoration~~  
 92.25 ~~or creation of wetland areas~~ that are applicable to mitigation plans approved as provided  
 92.26 in section 103G.2242. Public value must be determined in accordance with section  
 92.27 103B.3355 or a comprehensive wetland protection and management plan established  
 92.28 under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in  
 92.29 permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

92.30 (b) Replacement must be guided by the following principles in descending order  
 92.31 of priority:

92.32 (1) avoiding the direct or indirect impact of the activity that may destroy or diminish  
 92.33 the wetland;

93.1 (2) minimizing the impact by limiting the degree or magnitude of the wetland  
 93.2 activity and its implementation;

93.3 (3) rectifying the impact by repairing, rehabilitating, or restoring the affected  
 93.4 wetland environment;

73.30 (4) reducing or eliminating the impact over time by preservation and maintenance  
73.31 operations during the life of the activity;

73.32 (5) compensating for the impact by restoring a wetland; and

73.33 (6) compensating for the impact by replacing or providing substitute wetland

73.34 resources or environments.

74.1 For a project involving the draining or filling of wetlands in an amount not exceeding  
74.2 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,  
74.3 paragraph (a), the local government unit may make an on-site sequencing determination  
74.4 without a written alternatives analysis from the applicant.

74.5 (c) If a wetland is located in a cultivated field, then replacement must be accomplished  
74.6 through restoration only without regard to the priority order in paragraph (b), provided  
74.7 that the altered wetland is not converted to a nonagricultural use for at least ten years.

74.8 (d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241,  
74.9 subdivision 2, paragraph (b) or (e), the local government unit may require a deed  
74.10 restriction that prohibits nonagricultural use for at least ten years. The local government  
74.11 unit may require the deed restriction if it determines the wetland area drained is at risk of  
74.12 conversion to a nonagricultural use within ten years based on the zoning classification,  
74.13 proximity to a municipality or full service road, or other criteria as determined by the  
74.14 local government unit.

74.15 (e) Restoration and replacement of wetlands must be accomplished in accordance  
74.16 with the ecology of the landscape area affected and ponds that are created primarily to  
74.17 fulfill storm water management, and water quality treatment requirements may not be  
74.18 used to satisfy replacement requirements under this chapter unless the design includes  
74.19 pretreatment of runoff and the pond is functioning as a wetland.

74.20 (f) Except as provided in paragraph (g), for a wetland or public waters wetland  
74.21 located on nonagricultural land, replacement must be in the ratio of two acres of replaced  
74.22 wetland for each acre of drained or filled wetland.

74.23 (g) For a wetland or public waters wetland located on agricultural land or in a greater  
74.24 than 80 percent area, replacement must be in the ratio of one acre of replaced wetland  
74.25 for each acre of drained or filled wetland.

74.26 (h) Wetlands that are restored or created as a result of an approved replacement plan  
74.27 are subject to the provisions of this section for any subsequent drainage or filling.

93.5 (4) reducing or eliminating the impact over time by preservation and maintenance  
93.6 operations during the life of the activity;

93.7 (5) compensating for the impact by restoring a wetland; and

93.8 (6) compensating for the impact by replacing or providing substitute wetland

93.9 resources or environments.

93.10 For a project involving the draining or filling of wetlands in an amount not exceeding  
93.11 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,  
93.12 paragraph (a), the local government unit may make an on-site sequencing determination  
93.13 without a written alternatives analysis from the applicant.

93.14 (c) If a wetland is located in a cultivated field, then replacement must be accomplished  
93.15 through restoration only without regard to the priority order in paragraph (b), provided  
93.16 that the altered wetland is not converted to a nonagricultural use for at least ten years.

93.17 (d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241,  
93.18 subdivision 2, paragraph (b) or (e), the local government unit may require a deed  
93.19 restriction that prohibits nonagricultural use for at least ten years. The local government  
93.20 unit may require the deed restriction if it determines the wetland area drained is at risk of  
93.21 conversion to a nonagricultural use within ten years based on the zoning classification,  
93.22 proximity to a municipality or full service road, or other criteria as determined by the  
93.23 local government unit.

93.24 (e) Restoration and replacement of wetlands must be accomplished in accordance  
93.25 with the ecology of the landscape area affected and ponds that are created primarily to  
93.26 fulfill storm water management, and water quality treatment requirements may not be  
93.27 used to satisfy replacement requirements under this chapter unless the design includes  
93.28 pretreatment of runoff and the pond is functioning as a wetland.

93.29 (f) Except as provided in paragraph (g), for a wetland or public waters wetland  
93.30 located on nonagricultural land, replacement must be in the ratio of two acres of replaced  
93.31 wetland for each acre of drained or filled wetland.

93.32 (g) For a wetland or public waters wetland located on agricultural land or in a greater  
93.33 than 80 percent area, replacement must be in the ratio of one acre of replaced wetland  
93.34 for each acre of drained or filled wetland.

93.35 (h) Wetlands that are restored or created as a result of an approved replacement plan  
93.36 are subject to the provisions of this section for any subsequent drainage or filling.

74.28 (i) Except in a greater than 80 percent area, only wetlands that have been  
 74.29 restored from previously drained or filled wetlands, wetlands created by excavation in  
 74.30 nonwetlands, wetlands created by dikes or dams along public or private drainage ditches,  
 74.31 or wetlands created by dikes or dams associated with the restoration of previously  
 74.32 drained or filled wetlands may be used in a statewide banking program established in for  
 74.33 wetland replacement according to rules adopted under section 103G.2242, subdivision 1.  
 74.34 Modification or conversion of nondegraded naturally occurring wetlands from one type to  
 74.35 another are not eligible for enrollment in a statewide wetlands bank wetland replacement.

75.1 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
 75.2 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
 75.3 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
 75.4 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
 75.5 to believe that the wetland characteristics may change substantially, the panel shall  
 75.6 postpone its recommendation until the wetland has stabilized.

75.7 (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365  
 75.8 apply to the state and its departments and agencies.

75.9 (l) For projects involving draining or filling of wetlands associated with a new public  
 75.10 transportation project, and for projects expanded solely for additional traffic capacity,  
 75.11 public transportation authorities may purchase credits from the board at the cost to the  
 75.12 board to establish credits. Proceeds from the sale of credits provided under this paragraph  
 75.13 are appropriated to the board for the purposes of this paragraph. For the purposes of this  
 75.14 paragraph, "transportation project" does not include an airport project.

75.15 (m) A replacement plan for wetlands is not required for individual projects that  
 75.16 result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction,  
 75.17 or replacement of a currently serviceable existing state, city, county, or town public road  
 75.18 necessary, as determined by the public transportation authority, to meet state or federal  
 75.19 design or safety standards or requirements, excluding new roads or roads expanded solely  
 75.20 for additional traffic capacity lanes. This paragraph only applies to authorities for public  
 75.21 transportation projects that:

75.22 (1) minimize the amount of wetland filling or draining associated with the project  
 75.23 and consider mitigating important site-specific wetland functions on site;

75.24 (2) except as provided in clause (3), submit project-specific reports to the board, the  
 75.25 Technical Evaluation Panel, the commissioner of natural resources, and members of the  
 75.26 public requesting a copy at least 30 days prior to construction that indicate the location,  
 75.27 amount, and type of wetlands to be filled or drained by the project or, alternatively,  
 75.28 convene an annual meeting of the parties required to receive notice to review projects to  
 75.29 be commenced during the upcoming year; and

94.1 (i) Except in a greater than 80 percent area, only wetlands that have been  
 94.2 restored from previously drained or filled wetlands, wetlands created by excavation in  
 94.3 nonwetlands, wetlands created by dikes or dams along public or private drainage ditches,  
 94.4 or wetlands created by dikes or dams associated with the restoration of previously  
 94.5 drained or filled wetlands may be used in a statewide banking program established in for  
 94.6 wetland replacement according to rules adopted under section 103G.2242, subdivision 1.  
 94.7 Modification or conversion of nondegraded naturally occurring wetlands from one type to  
 94.8 another are not eligible for enrollment in a statewide wetlands bank wetland replacement.

94.9 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision  
 94.10 2, shall ensure that sufficient time has occurred for the wetland to develop wetland  
 94.11 characteristics of soils, vegetation, and hydrology before recommending that the wetland  
 94.12 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason  
 94.13 to believe that the wetland characteristics may change substantially, the panel shall  
 94.14 postpone its recommendation until the wetland has stabilized.

94.15 (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365  
 94.16 apply to the state and its departments and agencies.

94.17 (l) For projects involving draining or filling of wetlands associated with a new public  
 94.18 transportation project, and for projects expanded solely for additional traffic capacity,  
 94.19 public transportation authorities may purchase credits from the board at the cost to the  
 94.20 board to establish credits. Proceeds from the sale of credits provided under this paragraph  
 94.21 are appropriated to the board for the purposes of this paragraph. For the purposes of this  
 94.22 paragraph, "transportation project" does not include an airport project.

94.23 (m) A replacement plan for wetlands is not required for individual projects that  
 94.24 result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction,  
 94.25 or replacement of a currently serviceable existing state, city, county, or town public road  
 94.26 necessary, as determined by the public transportation authority, to meet state or federal  
 94.27 design or safety standards or requirements, excluding new roads or roads expanded solely  
 94.28 for additional traffic capacity lanes. This paragraph only applies to authorities for public  
 94.29 transportation projects that:

94.30 (1) minimize the amount of wetland filling or draining associated with the project  
 94.31 and consider mitigating important site-specific wetland functions on site;

94.32 (2) except as provided in clause (3), submit project-specific reports to the board, the  
 94.33 Technical Evaluation Panel, the commissioner of natural resources, and members of the  
 94.34 public requesting a copy at least 30 days prior to construction that indicate the location,  
 94.35 amount, and type of wetlands to be filled or drained by the project or, alternatively,  
 95.1 convene an annual meeting of the parties required to receive notice to review projects to  
 95.2 be commenced during the upcoming year; and

75.30 (3) for minor and emergency maintenance work impacting less than 10,000 square  
 75.31 feet, submit project-specific reports, within 30 days of commencing the activity, to the board  
 75.32 that indicate the location, amount, and type of wetlands that have been filled or drained.

75.33 Those required to receive notice of public transportation projects may appeal  
 75.34 minimization, delineation, and on-site mitigation decisions made by the public  
 75.35 transportation authority to the board according to the provisions of section 103G.2242,  
 75.36 subdivision 9. The Technical Evaluation Panel shall review minimization and delineation  
 76.1 decisions made by the public transportation authority and provide recommendations  
 76.2 regarding on-site mitigation if requested to do so by the local government unit, a  
 76.3 contiguous landowner, or a member of the Technical Evaluation Panel.

76.4 Except for state public transportation projects, for which the state Department of  
 76.5 Transportation is responsible, the board must replace the wetlands, and wetland areas of  
 76.6 public waters if authorized by the commissioner or a delegated authority, drained or filled  
 76.7 by public transportation projects on existing roads.

76.8 Public transportation authorities at their discretion may deviate from federal and  
 76.9 state design standards on existing road projects when practical and reasonable to avoid  
 76.10 wetland filling or draining, provided that public safety is not unreasonably compromised.  
 76.11 The local road authority and its officers and employees are exempt from liability for  
 76.12 any tort claim for injury to persons or property arising from travel on the highway and  
 76.13 related to the deviation from the design standards for construction or reconstruction under  
 76.14 this paragraph. This paragraph does not preclude an action for damages arising from  
 76.15 negligence in construction or maintenance on a highway.

76.16 (n) If a landowner seeks approval of a replacement plan after the proposed project  
 76.17 has already affected the wetland, the local government unit may require the landowner to  
 76.18 replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise  
 76.19 required.

76.20 (o) A local government unit may request the board to reclassify a county or  
 76.21 watershed on the basis of its percentage of presettlement wetlands remaining. After  
 76.22 receipt of satisfactory documentation from the local government, the board shall change  
 76.23 the classification of a county or watershed. If requested by the local government unit,  
 76.24 the board must assist in developing the documentation. Within 30 days of its action to  
 76.25 approve a change of wetland classifications, the board shall publish a notice of the change  
 76.26 in the Environmental Quality Board Monitor.

76.27 (p) One hundred citizens who reside within the jurisdiction of the local government  
 76.28 unit may request the local government unit to reclassify a county or watershed on the basis  
 76.29 of its percentage of presettlement wetlands remaining. In support of their petition, the  
 76.30 citizens shall provide satisfactory documentation to the local government unit. The local  
 76.31 government unit shall consider the petition and forward the request to the board under  
 76.32 paragraph (o) or provide a reason why the petition is denied.

95.3 (3) for minor and emergency maintenance work impacting less than 10,000 square  
 95.4 feet, submit project-specific reports, within 30 days of commencing the activity, to the board  
 95.5 that indicate the location, amount, and type of wetlands that have been filled or drained.

95.6 Those required to receive notice of public transportation projects may appeal  
 95.7 minimization, delineation, and on-site mitigation decisions made by the public  
 95.8 transportation authority to the board according to the provisions of section 103G.2242,  
 95.9 subdivision 9. The Technical Evaluation Panel shall review minimization and delineation  
 95.10 decisions made by the public transportation authority and provide recommendations  
 95.11 regarding on-site mitigation if requested to do so by the local government unit, a  
 95.12 contiguous landowner, or a member of the Technical Evaluation Panel.

95.13 Except for state public transportation projects, for which the state Department of  
 95.14 Transportation is responsible, the board must replace the wetlands, and wetland areas of  
 95.15 public waters if authorized by the commissioner or a delegated authority, drained or filled  
 95.16 by public transportation projects on existing roads.

95.17 Public transportation authorities at their discretion may deviate from federal and  
 95.18 state design standards on existing road projects when practical and reasonable to avoid  
 95.19 wetland filling or draining, provided that public safety is not unreasonably compromised.  
 95.20 The local road authority and its officers and employees are exempt from liability for  
 95.21 any tort claim for injury to persons or property arising from travel on the highway and  
 95.22 related to the deviation from the design standards for construction or reconstruction under  
 95.23 this paragraph. This paragraph does not preclude an action for damages arising from  
 95.24 negligence in construction or maintenance on a highway.

95.25 (n) If a landowner seeks approval of a replacement plan after the proposed project  
 95.26 has already affected the wetland, the local government unit may require the landowner to  
 95.27 replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise  
 95.28 required.

95.29 (o) A local government unit may request the board to reclassify a county or  
 95.30 watershed on the basis of its percentage of presettlement wetlands remaining. After  
 95.31 receipt of satisfactory documentation from the local government, the board shall change  
 95.32 the classification of a county or watershed. If requested by the local government unit,  
 95.33 the board must assist in developing the documentation. Within 30 days of its action to  
 95.34 approve a change of wetland classifications, the board shall publish a notice of the change  
 95.35 in the Environmental Quality Board Monitor.

96.1 (p) One hundred citizens who reside within the jurisdiction of the local government  
 96.2 unit may request the local government unit to reclassify a county or watershed on the basis  
 96.3 of its percentage of presettlement wetlands remaining. In support of their petition, the  
 96.4 citizens shall provide satisfactory documentation to the local government unit. The local  
 96.5 government unit shall consider the petition and forward the request to the board under  
 96.6 paragraph (o) or provide a reason why the petition is denied.

76.33 Sec. 75. Minnesota Statutes 2014, section 103G.222, subdivision 3, is amended to read:

76.34 Subd. 3. **Wetland replacement siting.** (a) Impacted wetlands in a 50 to 80 percent  
76.35 area must be replaced in a 50 to 80 percent area or in a less than 50 percent area. Impacted  
77.1 wetlands in a less than 50 percent area must be replaced in a less than 50 percent area.  
77.2 All wetland replacement must follow this priority order:

77.3 (1) on site or in the same minor watershed as the impacted wetland;

77.4 (2) in the same watershed as the impacted wetland;

77.5 (3) in the same county or wetland bank service area as the impacted wetland; and

77.6 (4) in another wetland bank service area; ~~and~~.

77.7 ~~(5) statewide for public transportation projects, except that wetlands impacted in~~  
77.8 ~~less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands~~  
77.9 ~~impacted in the seven-county metropolitan area must be replaced at a ratio of two to one in:~~  
77.10 ~~(i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one~~  
77.11 ~~of the major watersheds that are wholly or partially within the seven-county metropolitan~~  
77.12 ~~area, but at least one to one must be replaced within the seven-county metropolitan area.~~

77.13 ~~(b) The exception in paragraph (a), clause (5), does not apply to replacement~~  
77.14 ~~completed using wetland banking credits established by a person who submitted a~~  
77.15 ~~complete wetland banking application to a local government unit by April 1, 1996.~~

77.16 (b) Notwithstanding paragraph (a), wetland banking credits approved according to  
77.17 a complete wetland banking application submitted to a local government unit by April  
77.18 1, 1996, may be used to replace wetland impacts resulting from public transportation  
77.19 projects statewide.

77.20 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for  
77.21 replacement by wetland banking begins at paragraph (a), clause (3), according to rules  
77.22 adopted under section 103G.2242, subdivision 1.

77.23 ~~(e)~~ (d) When reasonable, practicable, and environmentally beneficial replacement  
77.24 opportunities are not available in siting priorities listed in paragraph (a), the applicant  
77.25 may seek opportunities at the next level.

77.26 ~~(d)~~ (e) For the purposes of this section, "reasonable, practicable, and environmentally  
77.27 beneficial replacement opportunities" are defined as opportunities that:

77.28 (1) take advantage of naturally occurring hydrogeomorphological conditions and  
77.29 require minimal landscape alteration;

77.30 (2) have a high likelihood of becoming a functional wetland that will continue  
77.31 in perpetuity;

96.7 Sec. 35. Minnesota Statutes 2014, section 103G.222, subdivision 3, is amended to read:

96.8 Subd. 3. **Wetland replacement siting.** (a) Impacted wetlands in a 50 to 80 percent  
96.9 area must be replaced in a 50 to 80 percent area or in a less than 50 percent area. Impacted  
96.10 wetlands in a less than 50 percent area must be replaced in a less than 50 percent area.  
96.11 All wetland replacement must follow this priority order:

96.12 (1) on site or in the same minor watershed as the impacted wetland;

96.13 (2) in the same watershed as the impacted wetland;

96.14 (3) in the same county or wetland bank service area as the impacted wetland; and

96.15 (4) in another wetland bank service area; ~~and~~.

96.16 ~~(5) statewide for public transportation projects, except that wetlands impacted in~~  
96.17 ~~less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands~~  
96.18 ~~impacted in the seven-county metropolitan area must be replaced at a ratio of two to one in:~~  
96.19 ~~(i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one~~  
96.20 ~~of the major watersheds that are wholly or partially within the seven-county metropolitan~~  
96.21 ~~area, but at least one to one must be replaced within the seven-county metropolitan area.~~

96.22 ~~(b) The exception in paragraph (a), clause (5), does not apply to replacement~~  
96.23 ~~completed using wetland banking credits established by a person who submitted a~~  
96.24 ~~complete wetland banking application to a local government unit by April 1, 1996.~~

96.25 (b) Notwithstanding paragraph (a), wetland banking credits approved according to  
96.26 a complete wetland banking application submitted to a local government unit by April  
96.27 1, 1996, may be used to replace wetland impacts resulting from public transportation  
96.28 projects statewide.

96.29 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for  
96.30 replacement by wetland banking begins at paragraph (a), clause (3), according to rules  
96.31 adopted under section 103G.2242, subdivision 1.

96.32 ~~(e)~~ (d) When reasonable, practicable, and environmentally beneficial replacement  
96.33 opportunities are not available in siting priorities listed in paragraph (a), the applicant  
96.34 may seek opportunities at the next level.

97.1 ~~(d)~~ (e) For the purposes of this section, "reasonable, practicable, and environmentally  
97.2 beneficial replacement opportunities" are defined as opportunities that:

97.3 (1) take advantage of naturally occurring hydrogeomorphological conditions and  
97.4 require minimal landscape alteration;

97.5 (2) have a high likelihood of becoming a functional wetland that will continue  
97.6 in perpetuity;



77.32 (3) do not adversely affect other habitat types or ecological communities that are  
77.33 important in maintaining the overall biological diversity of the area; and

77.34 (4) are available and capable of being done after taking into consideration cost,  
77.35 existing technology, and logistics consistent with overall project purposes.

78.1 ~~(e) Applicants and local government units shall rely on board-approved~~  
78.2 ~~comprehensive inventories of replacement opportunities and watershed conditions;~~  
78.3 ~~including the Northeast Minnesota Wetland Mitigation Inventory and Assessment (January~~  
78.4 ~~2010), in determining whether reasonable, practicable, and environmentally beneficial~~  
78.5 ~~replacement opportunities are available.~~

78.6 (f) Regulatory agencies, local government units, and other entities involved in  
78.7 wetland restoration shall collaborate to identify potential replacement opportunities within  
78.8 their jurisdictional areas.

78.9 (g) The board must establish wetland replacement ratios and wetland bank service  
78.10 area priorities to implement the siting and targeting of wetland replacement and encourage  
78.11 the use of high priority areas for wetland replacement.

78.12 Sec. 76. Minnesota Statutes 2014, section 103G.2242, subdivision 1, is amended to  
78.13 read:

78.14 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall  
78.15 adopt rules governing the approval of wetland value replacement plans under this section  
78.16 and public waters work permits affecting public waters wetlands under section 103G.245.  
78.17 These rules must address the criteria, procedure, timing, and location of acceptable  
78.18 replacement of wetland values; and may address the state establishment and administration  
78.19 of a wetland banking program for public and private projects, ~~which may include including~~  
78.20 ~~provisions allowing monetary payment to the wetland banking program for alteration of~~  
78.21 ~~wetlands on agricultural land for an in-lieu fee program;~~ the administrative, monitoring, and  
78.22 enforcement procedures to be used; and a procedure for the review and appeal of decisions  
78.23 under this section. In the case of peatlands, the replacement plan rules must consider the  
78.24 impact on carbon balance ~~described in the report required by Laws 1990, chapter 587, and~~  
78.25 ~~include the planting of trees or shrubs. Any in-lieu fee program established by the board~~  
78.26 must conform with Code of Federal Regulations, title 33, section 332.8, as amended.

78.27 (b) After the adoption of the rules, a replacement plan must be approved by a  
78.28 resolution of the governing body of the local government unit, consistent with the  
78.29 provisions of the rules or a comprehensive wetland protection and management plan  
78.30 approved under section 103G.2243.

78.31 (c) If the local government unit fails to apply the rules, or fails to implement a  
78.32 local comprehensive wetland protection and management plan established under section  
78.33 103G.2243, the government unit is subject to penalty as determined by the board.

97.7 (3) do not adversely affect other habitat types or ecological communities that are  
97.8 important in maintaining the overall biological diversity of the area; and

97.9 (4) are available and capable of being done after taking into consideration cost,  
97.10 existing technology, and logistics consistent with overall project purposes.

97.11 ~~(e) Applicants and local government units shall rely on board-approved~~  
97.12 ~~comprehensive inventories of replacement opportunities and watershed conditions;~~  
97.13 ~~including the Northeast Minnesota Wetland Mitigation Inventory and Assessment (January~~  
97.14 ~~2010), in determining whether reasonable, practicable, and environmentally beneficial~~  
97.15 ~~replacement opportunities are available.~~

97.16 (f) Regulatory agencies, local government units, and other entities involved in  
97.17 wetland restoration shall collaborate to identify potential replacement opportunities within  
97.18 their jurisdictional areas.

97.19 (g) The board must establish wetland replacement ratios and wetland bank service  
97.20 area priorities to implement the siting and targeting of wetland replacement and encourage  
97.21 the use of high priority areas for wetland replacement.

97.22 Sec. 36. Minnesota Statutes 2014, section 103G.2242, subdivision 1, is amended to  
97.23 read:

97.24 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall  
97.25 adopt rules governing the approval of wetland value replacement plans under this section  
97.26 and public waters work permits affecting public waters wetlands under section 103G.245.  
97.27 These rules must address the criteria, procedure, timing, and location of acceptable  
97.28 replacement of wetland values; and may address the state establishment and administration  
97.29 of a wetland banking program for public and private projects, ~~which may include including~~  
97.30 ~~provisions allowing monetary payment to the wetland banking program for alteration of~~  
97.31 ~~wetlands on agricultural land for an in-lieu fee program;~~ the administrative, monitoring, and  
97.32 enforcement procedures to be used; and a procedure for the review and appeal of decisions  
97.33 under this section. In the case of peatlands, the replacement plan rules must consider the  
97.34 impact on carbon balance ~~described in the report required by Laws 1990, chapter 587, and~~  
98.1 ~~include the planting of trees or shrubs. Any in-lieu fee program established by the board~~  
98.2 must conform with Code of Federal Regulations, title 33, section 332.8, as amended.

98.3 (b) After the adoption of the rules, a replacement plan must be approved by a  
98.4 resolution of the governing body of the local government unit, consistent with the  
98.5 provisions of the rules or a comprehensive wetland protection and management plan  
98.6 approved under section 103G.2243.

98.7 (c) If the local government unit fails to apply the rules, or fails to implement a  
98.8 local comprehensive wetland protection and management plan established under section  
98.9 103G.2243, the government unit is subject to penalty as determined by the board.

79.1 Sec. 77. Minnesota Statutes 2014, section 103G.2242, subdivision 2, is amended to  
79.2 read:

79.3 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size,  
79.4 or type of a wetland shall be submitted to and determined by a Technical Evaluation  
79.5 Panel after an on-site inspection. The Technical Evaluation Panel shall be composed of  
79.6 a technical professional employee of the board, a technical professional employee of  
79.7 the local soil and water conservation district or districts, a technical professional with  
79.8 expertise in water resources management appointed by the local government unit, and  
79.9 a technical professional employee of the Department of Natural Resources for projects  
79.10 affecting public waters or wetlands adjacent to public waters. The panel shall use the  
79.11 "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987),  
79.12 including updates, supplementary guidance, and replacements, if any, "Wetlands of  
79.13 the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition),  
79.14 and "Classification of Wetlands and Deepwater Habitats of the United States" (1979  
79.15 edition). The panel shall provide the wetland determination and recommendations on  
79.16 other technical matters to the local government unit that must approve a replacement  
79.17 plan, wetland banking plan, exemption determination, no-loss determination, or wetland  
79.18 boundary or type determination and may recommend approval or denial of the plan. The  
79.19 authority must consider and include the decision of the Technical Evaluation Panel in their  
79.20 approval or denial of a plan or determination.

79.21 (b) Persons conducting wetland or public waters boundary delineations or type  
79.22 determinations are exempt from the requirements of chapter 326. The board may develop  
79.23 a professional wetland delineator certification program.

79.24 (c) The board must establish an interagency team to assist in identifying and  
79.25 evaluating potential wetland replacement sites. The team must consist of members  
79.26 of the Technical Evaluation Panel and representatives from the Department of Natural  
79.27 Resources; the Pollution Control Agency; the United States Army Corps of Engineers, St.  
79.28 Paul district; and other organizations as determined by the board.

79.29 Sec. 78. Minnesota Statutes 2014, section 103G.2242, subdivision 3, is amended to  
79.30 read:

79.31 Subd. 3. **Replacement completion.** (a) Replacement of wetland values must be  
79.32 completed prior to or concurrent with the actual draining or filling of a wetland, unless:

79.33 (1) an irrevocable bank letter of credit or other security financial assurance  
79.34 acceptable to the local government unit or the board is given to the local government unit  
79.35 or the board to guarantee the successful completion of the replacement; or

98.10 Sec. 37. Minnesota Statutes 2014, section 103G.2242, subdivision 2, is amended to  
98.11 read:

98.12 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size,  
98.13 or type of a wetland shall be submitted to and determined by a Technical Evaluation  
98.14 Panel after an on-site inspection. The Technical Evaluation Panel shall be composed of  
98.15 a technical professional employee of the board, a technical professional employee of  
98.16 the local soil and water conservation district or districts, a technical professional with  
98.17 expertise in water resources management appointed by the local government unit, and  
98.18 a technical professional employee of the Department of Natural Resources for projects  
98.19 affecting public waters or wetlands adjacent to public waters. The panel shall use the  
98.20 "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987),  
98.21 including updates, supplementary guidance, and replacements, if any, "Wetlands of  
98.22 the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition),  
98.23 and "Classification of Wetlands and Deepwater Habitats of the United States" (1979  
98.24 edition). The panel shall provide the wetland determination and recommendations on  
98.25 other technical matters to the local government unit that must approve a replacement plan,  
98.26 ~~wetland banking plan~~ sequencing, exemption determination, no-loss determination, or  
98.27 wetland boundary or type determination and may recommend approval or denial of the  
98.28 plan. The authority must consider and include the decision of the Technical Evaluation  
98.29 Panel in their approval or denial of a plan or determination.

98.30 (b) Persons conducting wetland or public waters boundary delineations or type  
98.31 determinations are exempt from the requirements of chapter 326. The board may develop  
98.32 a professional wetland delineator certification program.

98.33 (c) The board must establish an interagency team to assist in identifying and  
98.34 evaluating potential wetland replacement sites. The team must consist of members  
98.35 of the Technical Evaluation Panel and representatives from the Department of Natural  
99.1 Resources; the Pollution Control Agency; the United States Army Corps of Engineers, St.  
99.2 Paul district; and other organizations as determined by the board.

99.3 Sec. 38. Minnesota Statutes 2014, section 103G.2242, subdivision 3, is amended to  
99.4 read:

99.5 Subd. 3. **Replacement completion.** (a) Replacement of wetland values must be  
99.6 completed prior to or concurrent with the actual draining or filling of a wetland, unless:

99.7 (1) an irrevocable bank letter of credit or other security financial assurance  
99.8 acceptable to the local government unit or the board is given to the local government unit  
99.9 or the board to guarantee the successful completion of the replacement; or

80.1 (2) the replacement is approved under an in-lieu fee program according to rules  
 80.2 adopted under subdivision 1. In the case of an in-lieu fee program established by a  
 80.3 board-approved sponsor, the board may require that a financial assurance in an amount  
 80.4 and method acceptable to the board be given to the board to ensure the approved sponsor  
 80.5 fulfills the sponsor's obligation to complete the required wetland replacement.

80.6 ~~The board may establish, sponsor, or administer a wetland banking program, which~~  
 80.7 ~~may include provisions allowing monetary payment to the wetland bank for impacts to~~  
 80.8 ~~wetlands on agricultural land, for impacts that occur in greater than 80 percent areas, and~~  
 80.9 ~~for public road projects. (b) The board may acquire land in fee title, purchase or accept~~  
 80.10 ~~easements, enter into agreements, and purchase existing wetland replacement credits to~~  
 80.11 ~~facilitate the wetland banking program. The board may establish in-lieu fee payment~~  
 80.12 ~~amounts and hold money in an account in the special revenue fund, which is appropriated~~  
 80.13 ~~to the board to be used solely for establishing replacement wetlands and administering the~~  
 80.14 ~~wetland banking program.~~

80.15 (c) The board shall coordinate the establishment and operation of a wetland bank  
 80.16 with the United States Army Corps of Engineers, the Natural Resources Conservation  
 80.17 Service of the United States Department of Agriculture, and the commissioners of natural  
 80.18 resources, agriculture, and the Pollution Control Agency.

80.19 Sec. 79. Minnesota Statutes 2014, section 103G.2242, subdivision 4, is amended to  
 80.20 read:

80.21 Subd. 4. **Decision.** Upon receiving and considering all required data, the local  
 80.22 government unit reviewing replacement plan applications, banking plan sequencing  
 80.23 applications, and exemption or no-loss determination requests must act on all replacement  
 80.24 plan applications, banking plan sequencing applications, and exemption or no-loss  
 80.25 determination requests in compliance with section 15.99.

80.26 Sec. 80. Minnesota Statutes 2014, section 103G.2242, subdivision 12, is amended to  
 80.27 read:

80.28 Subd. 12. **Replacement credits.** (a) No public or private wetland restoration,  
 80.29 enhancement, or construction may be allowed for replacement unless specifically  
 80.30 designated for replacement and paid for by the individual or organization performing the  
 80.31 wetland restoration, enhancement, or construction, ~~and is completed prior to any draining~~  
 80.32 ~~or filling of the wetland.~~

80.33 (b) Paragraph (a) does not apply to a wetland whose owner has paid back with  
 80.34 interest the individual or organization restoring, enhancing, or constructing the wetland.

99.10 (2) the replacement is approved under an in-lieu fee program according to rules  
 99.11 adopted under subdivision 1. In the case of an in-lieu fee program established by a  
 99.12 board-approved sponsor, the board may require that a financial assurance in an amount  
 99.13 and method acceptable to the board be given to the board to ensure the approved sponsor  
 99.14 fulfills the sponsor's obligation to complete the required wetland replacement.

99.15 ~~The board may establish, sponsor, or administer a wetland banking program, which~~  
 99.16 ~~may include provisions allowing monetary payment to the wetland bank for impacts to~~  
 99.17 ~~wetlands on agricultural land, for impacts that occur in greater than 80 percent areas, and~~  
 99.18 ~~for public road projects. (b) The board may acquire land in fee title, purchase or accept~~  
 99.19 ~~easements, enter into agreements, and purchase existing wetland replacement credits to~~  
 99.20 ~~facilitate the wetland banking program. The board may establish in-lieu fee payment~~  
 99.21 ~~amounts and hold money in an account in the special revenue fund, which is appropriated~~  
 99.22 ~~to the board to be used solely for establishing replacement wetlands and administering the~~  
 99.23 ~~wetland banking program.~~

99.24 (c) The board shall coordinate the establishment and operation of a wetland bank  
 99.25 with the United States Army Corps of Engineers, the Natural Resources Conservation  
 99.26 Service of the United States Department of Agriculture, and the commissioners of natural  
 99.27 resources, agriculture, and the Pollution Control Agency.

99.28 Sec. 39. Minnesota Statutes 2014, section 103G.2242, subdivision 4, is amended to  
 99.29 read:

99.30 Subd. 4. **Decision.** Upon receiving and considering all required data, the local  
 99.31 government unit reviewing replacement plan applications, banking plan sequencing  
 99.32 applications, and exemption or no-loss determination requests must act on all replacement  
 99.33 plan applications, banking plan sequencing applications, and exemption or no-loss  
 99.34 determination requests in compliance with section 15.99.

100.1 Sec. 40. Minnesota Statutes 2014, section 103G.2242, subdivision 12, is amended to  
 100.2 read:

100.3 Subd. 12. **Replacement credits.** (a) No public or private wetland restoration,  
 100.4 enhancement, or construction may be allowed for replacement unless specifically  
 100.5 designated for replacement and paid for by the individual or organization performing the  
 100.6 wetland restoration, enhancement, or construction, ~~and is completed prior to any draining~~  
 100.7 ~~or filling of the wetland.~~

100.8 (b) Paragraph (a) does not apply to a wetland whose owner has paid back with  
 100.9 interest the individual or organization restoring, enhancing, or constructing the wetland.

81.1 (c) Notwithstanding section 103G.222, subdivision 1, paragraph (i), the following  
 81.2 actions, and others established in rule, that are consistent with criteria in rules adopted by  
 81.3 the board in conjunction with the commissioners of natural resources and agriculture, are  
 81.4 eligible for replacement credit as determined by the local government unit or the board,  
 81.5 including enrollment in a statewide wetlands bank:

81.6 (1) reestablishment of permanent native, noninvasive vegetative cover on a wetland  
 81.7 on agricultural land that was planted with annually seeded crops, was in a crop rotation  
 81.8 seeding of pasture grasses or legumes, or was in a land retirement program during the  
 81.9 past ten years;

81.10 (2) buffer areas of permanent native, noninvasive vegetative cover established or  
 81.11 preserved on upland adjacent to replacement wetlands;

81.12 (3) wetlands restored for conservation purposes under terminated easements or  
 81.13 contracts; ~~and~~

81.14 (4) water quality treatment ponds constructed to pretreat storm water runoff prior  
 81.15 to discharge to wetlands, public waters, or other water bodies, provided that the water  
 81.16 quality treatment ponds must be associated with an ongoing or proposed project that  
 81.17 will impact a wetland and replacement credit for the treatment ponds is based on the  
 81.18 replacement of wetland functions and on an approved storm water management plan for  
 81.19 the local government; ~~and~~

81.20 (5) in a greater than 80 percent area, restoration and protection of streams and  
 81.21 riparian buffers that are important to the functions and sustainability of aquatic resources.

81.22 (d) Notwithstanding section 103G.222, subdivision 1, paragraphs (f) and (g), the  
 81.23 board may establish by rule different replacement ratios for restoration projects with  
 81.24 exceptional natural resource value.

81.25 Sec. 81. Minnesota Statutes 2014, section 103G.2242, subdivision 14, is amended to  
 81.26 read:

81.27 Subd. 14. **Fees established.** (a) Fees must be assessed for managing wetland bank  
 81.28 accounts and transactions as follows:

81.29 (1) account maintenance annual fee: one percent of the value of credits not to  
 81.30 exceed \$500;

81.31 (2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not  
 81.32 to exceed \$1,000 per establishment, deposit, or transfer; and

81.33 (3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

81.34 (b) The board may establish fees at or below the amounts in paragraph (a) for  
 81.35 single-user or other dedicated wetland banking accounts.

100.10 (c) Notwithstanding section 103G.222, subdivision 1, paragraph (i), the following  
 100.11 actions, and others established in rule, that are consistent with criteria in rules adopted by  
 100.12 the board in conjunction with the commissioners of natural resources and agriculture, are  
 100.13 eligible for replacement credit as determined by the local government unit or the board,  
 100.14 including enrollment in a statewide wetlands bank:

100.15 (1) reestablishment of permanent native, noninvasive vegetative cover on a wetland  
 100.16 on agricultural land that was planted with annually seeded crops, was in a crop rotation  
 100.17 seeding of pasture grasses or legumes, or was in a land retirement program during the  
 100.18 past ten years;

100.19 (2) buffer areas of permanent native, noninvasive vegetative cover established or  
 100.20 preserved on upland adjacent to replacement wetlands;

100.21 (3) wetlands restored for conservation purposes under terminated easements or  
 100.22 contracts; ~~and~~

100.23 (4) water quality treatment ponds constructed to pretreat storm water runoff prior  
 100.24 to discharge to wetlands, public waters, or other water bodies, provided that the water  
 100.25 quality treatment ponds must be associated with an ongoing or proposed project that  
 100.26 will impact a wetland and replacement credit for the treatment ponds is based on the  
 100.27 replacement of wetland functions and on an approved storm water management plan for  
 100.28 the local government; ~~and~~

100.29 (5) in a greater than 80 percent area, restoration and protection of streams and  
 100.30 riparian buffers that are important to the functions and sustainability of aquatic resources.

100.31 (d) Notwithstanding section 103G.222, subdivision 1, paragraphs (f) and (g), the  
 100.32 board may establish by rule different replacement ratios for restoration projects with  
 100.33 exceptional natural resource value.

100.34 Sec. 41. Minnesota Statutes 2014, section 103G.2242, subdivision 14, is amended to  
 100.35 read:

101.1 Subd. 14. **Fees established.** (a) Fees must be assessed for managing wetland bank  
 101.2 accounts and transactions as follows:

101.3 (1) account maintenance annual fee: one percent of the value of credits not to  
 101.4 exceed \$500;

101.5 (2) account establishment, deposit, or transfer: 6.5 percent of the value of credits not  
 101.6 to exceed \$1,000 per establishment, deposit, or transfer; and

101.7 (3) withdrawal fee: 6.5 percent of the value of credits withdrawn.

101.8 (b) The board may establish fees at or below the amounts in paragraph (a) for  
 101.9 single-user or other dedicated wetland banking accounts.

82.1 (c) Fees for single-user or other dedicated wetland banking accounts established  
 82.2 pursuant to section 103G.005, subdivision 10e, clause (4), are limited to establishment  
 82.3 of a wetland banking account and are assessed at the rate of 6.5 percent of the value of  
 82.4 the credits not to exceed \$1,000.

82.5 (d) The board may assess a fee to pay the costs associated with establishing  
 82.6 conservation easements, or other long-term protection mechanisms prescribed in the rules  
 82.7 adopted under subdivision 1, on property used for wetland replacement.

82.8 Sec. 82. Minnesota Statutes 2014, section 103G.2251, is amended to read:  
 82.9 **103G.2251 STATE CONSERVATION EASEMENTS; WETLAND BANK**  
 82.10 **CREDIT.**

82.11 In greater than 80 percent areas, preservation of wetlands, riparian buffers, and  
 82.12 watershed areas essential to maintaining important functions and sustainability of aquatic  
 82.13 resources in the watershed that are protected by a permanent conservation easement  
 82.14 as defined under section 84C.01 and held by the board may be eligible for wetland  
 82.15 replacement or mitigation credits, according to rules adopted by the board. To be eligible  
 82.16 for credit under this section, a conservation easement must be established after May 24,  
 82.17 2008, and approved by the board. Wetland areas on private lands preserved under this  
 82.18 section are not eligible for replacement or mitigation credit if the area has been protected  
 82.19 using public conservation funds.

82.20 Sec. 83. Minnesota Statutes 2014, section 103G.245, subdivision 2, is amended to read:

82.21 Subd. 2. **Exceptions.** A public waters work permit is not required for:

82.22 (1) work in altered natural watercourses that are part of drainage systems established  
 82.23 under chapter 103D or 103E if the work in the waters is undertaken according to chapter  
 82.24 103D or 103E; or

82.25 (2) a drainage project for a drainage system established under chapter 103E that does  
 82.26 not substantially affect public waters; or

101.10 (c) Fees for single-user or other dedicated wetland banking accounts established  
 101.11 pursuant to section 103G.005, subdivision 10e, clause (4), are limited to establishment  
 101.12 of a wetland banking account and are assessed at the rate of 6.5 percent of the value of  
 101.13 the credits not to exceed \$1,000.

101.14 (d) The board may assess a fee to pay the costs associated with establishing  
 101.15 conservation easements, or other long-term protection mechanisms prescribed in the rules  
 101.16 adopted under subdivision 1, on property used for wetland replacement.

101.17 Sec. 42. Minnesota Statutes 2014, section 103G.2242, subdivision 15, is amended to  
 101.18 read:

101.19 Subd. 15. **Fees paid to board.** All fees established in subdivisions 9 and 14 must  
 101.20 be paid to the Board of Water and Soil Resources and are annually appropriated to the  
 101.21 board for the purpose of administration of the wetland bank and to process appeals  
 101.22 under section 103G.2242, subdivision 9. One-half of the fees collected for wetland bank  
 101.23 credit withdrawals under subdivision 14, paragraph (a), clause (3), or alternative fees  
 101.24 for wetland bank credit withdrawal under subdivision 14, paragraph (b), must be paid  
 101.25 to the county where the property for wetland credit is located. The amount paid to the  
 101.26 county must be distributed as follows: one-third to the school district; one-third to the  
 101.27 city or organized township; and one-third to the county. If the property is located in an  
 101.28 unorganized township, the county retains the township share.

101.29 Sec. 43. Minnesota Statutes 2014, section 103G.2251, is amended to read:  
 101.30 **103G.2251 STATE CONSERVATION EASEMENTS; WETLAND BANK**  
 101.31 **CREDIT.**

101.32 In greater than 80 percent areas, preservation of wetlands, riparian buffers, and  
 101.33 watershed areas essential to maintaining important functions and sustainability of aquatic  
 101.34 resources in the watershed that are protected by a permanent conservation easement  
 102.1 as defined under section 84C.01 and held by the board may be eligible for wetland  
 102.2 replacement or mitigation credits, according to rules adopted by the board. To be eligible  
 102.3 for credit under this section, a conservation easement must be established after May 24,  
 102.4 2008, and approved by the board. Wetland areas on private lands preserved under this  
 102.5 section are not eligible for replacement or mitigation credit if the area has been protected  
 102.6 using public conservation funds.

82.27 (3) culvert restoration or replacement.

82.28 Sec. 84. Minnesota Statutes 2014, section 103G.271, subdivision 3, is amended to read:

82.29 Subd. 3. **Permit restriction during summer months.** The commissioner must not  
82.30 modify or restrict the amount of appropriation from a groundwater source authorized in a  
82.31 water use permit issued to irrigate agricultural land between May 1 and October 1, or, for  
82.32 agricultural land with a crop, until November 15, unless the commissioner determines the  
82.33 authorized amount of appropriation endangers a domestic water supply.

83.1 Sec. 85. Minnesota Statutes 2014, section 103G.271, subdivision 5, is amended to read:

83.2 Subd. 5. **Prohibition on once-through water use permits.** (a) Except as provided  
83.3 in paragraph (c), the commissioner may not issue a water use permit to increase the  
83.4 volume of appropriation from a groundwater source for a once-through cooling system.

83.5 (b) Except as provided in paragraph (c), once-through system water use permits  
83.6 using in excess of 5,000,000 gallons annually must be terminated by the commissioner,  
83.7 unless the discharge is into a public water basin within a nature preserve approved by the  
83.8 commissioner and established prior to January 1, 2001. The commissioner may issue a  
83.9 permit for a system in existence prior to January 1, 2015, for up to 5,000,000 gallons  
83.10 annually. Existing once-through systems must not be expanded and are required to convert  
83.11 to water efficient alternatives within the design life of existing equipment.

83.12 (c) Notwithstanding paragraphs (a) and (b), the commissioner, with the approval of  
83.13 the commissioners of health and the Pollution Control Agency, may issue once-through  
83.14 system water use permits on an annual basis for groundwater thermal exchange devices  
83.15 or aquifer storage and recovery systems that return all once-through system water to the  
83.16 source aquifer. Water use permit processing fees in subdivision 6, paragraph (a), apply  
83.17 to all water withdrawals under this paragraph, including any reuse of water returned to  
83.18 the source aquifer.

83.19 Sec. 86. Minnesota Statutes 2014, section 103G.271, subdivision 6a, is amended to read:

83.20 Subd. 6a. **Payment of fees for past unpermitted appropriations.** An entity that  
83.21 appropriates water without a required permit under subdivision 1 must pay the applicable  
83.22 water use permit processing fee specified in subdivision 6 for the period during which the  
83.23 unpermitted appropriation occurred. The fees for unpermitted appropriations are required  
83.24 for the previous seven calendar years after being notified of the need for a permit. This  
83.25 fee is in addition to any other fee or penalty assessed. The commissioner may waive  
83.26 payment of fees for past unpermitted appropriations for a residential system permitted  
83.27 under subdivision 5, paragraph (b).

83.28 Sec. 87. Minnesota Statutes 2014, section 103G.287, subdivision 1, is amended to read:

83.29 Subdivision 1. **Applications for groundwater appropriations; preliminary well**

83.30 **construction approval.** (a) Groundwater use permit applications are not complete until  
83.31 the applicant has supplied:

83.32 (1) a water well record as required by section 103I.205, subdivision 9, information  
83.33 on the subsurface geologic formations penetrated by the well and the formation or aquifer  
84.1 that will serve as the water source, and geologic information from test holes drilled to  
84.2 locate the site of the production well;

84.3 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being  
84.4 requested;

84.5 (3) information on groundwater quality in terms of the measures of quality  
84.6 commonly specified for the proposed water use and details on water treatment necessary  
84.7 for the proposed use;

84.8 ~~(4) an inventory of existing wells within 1-1/2 miles of the proposed production well~~  
84.9 ~~or within the area of influence, as determined by the commissioner. The inventory must~~  
84.10 ~~include information on well locations, depths, geologic formations, depth of the pump or~~  
84.11 ~~intake, pumping and nonpumping water levels, and details of well construction;~~

84.12 ~~(5)~~ (4) the results of an aquifer test completed according to specifications approved  
84.13 by the commissioner. The test must be conducted at the maximum pumping rate requested  
84.14 in the application and for a length of time adequate to assess or predict impacts to other  
84.15 wells and surface water and groundwater resources. The permit applicant is responsible  
84.16 for all costs related to the aquifer test, including the construction of groundwater and  
84.17 surface water monitoring installations, and water level readings before, during, and after  
84.18 the aquifer test; and

84.19 ~~(6)~~ (5) the results of any assessments conducted by the commissioner under  
84.20 paragraph (c).

84.21 (b) The commissioner may waive an application requirement in this subdivision  
84.22 if the information provided with the application is adequate to determine whether the  
84.23 proposed appropriation and use of water is sustainable and will protect ecosystems, water  
84.24 quality, and the ability of future generations to meet their own needs.

84.25 (c) The commissioner shall provide an assessment of a proposed well needing a  
84.26 groundwater appropriation permit. The commissioner shall evaluate the information  
84.27 submitted as required under section 103I.205, subdivision 1, paragraph (f), and determine  
84.28 whether the anticipated appropriation request is likely to meet the applicable requirements  
84.29 of this chapter. If the appropriation request is likely to meet applicable requirements, the  
84.30 commissioner shall provide the person submitting the information with a letter providing  
84.31 preliminary approval to construct the well.

84.32 Sec. 88. Minnesota Statutes 2014, section 103G.287, subdivision 2, is amended to read:

84.33 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations  
84.34 that will have substantial negative impacts to surface waters as determined by the  
84.35 commissioner are subject to applicable provisions in section 103G.285. For the purposes  
85.1 of this subdivision, when applicable to streams, "substantial negative impacts" means  
85.2 a 20 percent harmful effect in low flow.

85.3 Sec. 89. **[103G.289] WELL INTERFERENCE; WELL SEALING.**

85.4 The commissioner shall not validate a well interference claim if the affected well has  
85.5 been sealed prior to the completion of the commissioner's investigation of the complaint.  
85.6 If the well is sealed prior to completion of the investigation, the commissioner must  
85.7 dismiss the complaint.

85.8 Sec. 90. Minnesota Statutes 2014, section 103G.291, subdivision 3, is amended to read:

85.9 Subd. 3. **Water supply plans; demand reduction.** (a) Every public water supplier  
85.10 serving more than 1,000 people must submit a water supply plan to the commissioner  
85.11 for approval by January 1, 1996. In accordance with guidelines developed by the  
85.12 commissioner, the plan must address projected demands, adequacy of the water supply  
85.13 system and planned improvements, existing and future water sources, natural resource  
85.14 impacts or limitations, emergency preparedness, water conservation, supply and demand  
85.15 reduction measures, and allocation priorities that are consistent with section 103G.261.  
85.16 Public water suppliers must update their plan and, upon notification, submit it to the  
85.17 commissioner for approval every ten years.

85.18 (b) The water supply plan in paragraph (a) is required for all communities in the  
85.19 metropolitan area, as defined in section 473.121, with a municipal water supply system  
85.20 and is a required element of the local comprehensive plan required under section 473.859.  
85.21 ~~Water supply plans or updates submitted after December 31, 2008, must be consistent~~  
85.22 ~~with the metropolitan area master water supply plan required under section 473.1565,~~  
85.23 ~~subdivision 1, paragraph (a), clause (2).~~

85.24 (c) Public water suppliers serving more than 1,000 people must encourage  
85.25 water conservation by employing water use demand reduction measures, as defined in  
85.26 subdivision 4, paragraph (a), before requesting approval from the commissioner of health  
85.27 under section 144.383, paragraph (a), to construct a public water supply well or requesting  
85.28 an increase in the authorized volume of appropriation. The commissioner of natural  
85.29 resources and the water supplier shall use a collaborative process to achieve demand  
85.30 reduction measures as a part of a water supply plan review process.

85.31 (d) Public water suppliers serving more than 1,000 people must submit records  
85.32 that indicate the number of connections and amount of use by customer category and  
85.33 volume of water unaccounted for with the annual report of water use required under  
85.34 section 103G.281, subdivision 3.



86.1 (e) For the purposes of this section, "public water supplier" means an entity that owns,  
86.2 manages, or operates a public water supply, as defined in section 144.382, subdivision 4.

86.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

86.4 Sec. 91. Minnesota Statutes 2014, section 103G.301, subdivision 5a, is amended to read:

86.5 Subd. 5a. **Town fees limited exemption.** Notwithstanding this section or any  
86.6 other law, no permit application, general permit notification, or field inspection fee shall  
86.7 be charged to a town in connection with the construction or alteration of a town road,  
86.8 bridge, or culvert shall exceed \$100.

86.9 Sec. 92. **[114C.40] VOLUNTARY SELF REPORTING OF VIOLATIONS.**

86.10 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms  
86.11 have the meaning given.

86.12 (b) "Commissioner" means the commissioner of the Pollution Control Agency.

86.13 (c) "Environmental requirement" means a requirement in a law administered by the  
86.14 agency, a rule adopted by the agency, a permit or order issued by the agency, an agreement  
86.15 entered into with the agency, or a court order issued pursuant to any of the foregoing.

86.16 (d) "Regulated entity" means a public or private organization that is subject to  
86.17 environmental requirements.

86.18 Subd. 2. **Enforcement delay.** The commissioner must defer for at least 90 days  
86.19 enforcement of an environmental requirement against a regulated entity if:

86.20 (1) violation of the environmental requirement was first identified by the regulated  
86.21 entity or an employee of or person contracted by the regulated entity;

86.22 (2) the regulated entity notified the commissioner of the violation within two  
86.23 business days of it coming to the regulated entity's attention;

86.24 (3) the regulated entity has not been subject to an enforcement action within the past  
86.25 two years from the date of the notification under clause (2); and

86.26 (4) the regulated entity has committed, in writing, to correct the violation as  
86.27 expeditiously as possible under the circumstances.

86.28 Subd. 3. **Penalties waived.** The commissioner must not impose or bring an action  
86.29 for any administrative, civil, or criminal penalties against a regulated entity if, after the  
86.30 90-day delay provided under subdivision 2, the regulated entity has corrected the violation  
86.31 or has a schedule to correct the violation approved by the commissioner.

86.32 Subd. 4. **Exceptions.** Notwithstanding subdivisions 2 and 3, the commissioner  
86.33 may, at any time, bring:

87.1 (1) a criminal enforcement action against any person who commits a violation  
87.2 under section 609.671;

87.3 (2) a civil or administrative enforcement action, which may include a penalty, under  
87.4 section 115.071 or 116.072, against the regulated entity if:

87.5 (i) a violation caused serious harm to, or presents an imminent and substantial  
87.6 endangerment to, human health or the environment;

87.7 (ii) a violation is of the specific terms of an administrative order, a judicial order or  
87.8 consent decree, a stipulation agreement, or a schedule of compliance;

87.9 (iii) a violation has resulted in a substantial economic benefit which gives the  
87.10 regulated entity a clear advantage over its business competitors; or

87.11 (iv) a violation is identified through a legally mandated monitoring or sampling  
87.12 requirement prescribed by statute, regulation, permit, judicial or administrative order,  
87.13 or consent agreement; or

87.14 (3) an enforcement action against a regulated entity to enjoin an imminent and  
87.15 substantial danger under section 116.11.

87.16 Subd. 5. **Reporting required by law.** Nothing in this section alters the obligation of  
87.17 any regulated entity to report releases, violations, or other matters that are required to be  
87.18 reported by state or federal law, rule, permit, or enforcement action.

87.19 Sec. 93. Minnesota Statutes 2014, section 115.03, is amended by adding a subdivision  
87.20 to read:

87.21 Subd. 12. **Legislative approval.** (a) The commissioner of the Pollution Control  
87.22 Agency must submit a water quality standard or other water quality rule change developed  
87.23 under this chapter or chapter 116 to the legislature for approval if the standard or rule  
87.24 change is estimated to have a financial impact to:

87.25 (1) affected permittees of \$50,000,000 or more, in total, within the first five years of  
87.26 implementation; or

87.27 (2) a single affected permittee of \$5,000,000 or more within the first five years  
87.28 of implementation.

87.29 (b) The standard or rule change must be approved by the legislature prior to  
87.30 implementation.

87.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

87.32 Sec. 94. **[115.035] INDEPENDENT PEER REVIEW OF WATER QUALITY**  
87.33 **STUDIES AND STANDARDS; LEGISLATIVE APPROVAL.**

115.33 Sec. 61. **INDEPENDENT PEER REVIEW OF WATER QUALITY STANDARDS.**

87.34 (a) For the purposes of this section:

88.1 (1) "independent peer review" means a peer review conducted by an expert in an  
88.2 area related to the work being reviewed who was not directly or indirectly involved with  
88.3 the work conducted or contracted by the agency and who is not currently employed by  
88.4 the agency;

88.5 (2) "proposal" means a proposal to change water quality standards or other regulatory  
88.6 guidance, including reinterpretations of water quality standards and other changes that will  
88.7 impact national pollutant discharge elimination system permits or storm water permits; and

88.8 (3) "study" means a study, an analysis, or other technical or scientific work that was  
88.9 conducted, contracted, or otherwise relied upon by the agency and that is or will be used  
88.10 to support or otherwise inform a regulatory decision-making process.

88.11 (b) The commissioner of the Pollution Control Agency shall ensure that a water  
88.12 quality study or proposal is subject to an independent peer review if the study or proposal:

88.13 (1) supports or proposes a change with an estimated financial impact to affected  
88.14 permittees of \$50,000,000 or more, in total, within the first five years of implementation;

88.15 (2) supports or proposes a significant new precedent, model, or methodology;

88.16 (3) addresses a significant controversial issue;

88.17 (4) supports or proposes a change that would significantly impact another state  
88.18 agency; or

88.19 (5) has the potential to significantly impact the agency's resources.

88.20 (c) The commissioner shall notify the chairs and ranking minority members of the  
88.21 house of representatives and senate committees and divisions with jurisdiction over the  
88.22 environment and natural resources when an independent peer review is required under this  
88.23 section and the factors listed in paragraph (b) that require the independent peer review.

88.24 (d) The commissioner shall ensure that a study or proposal subject to an independent  
88.25 peer review under this section is peer reviewed in accordance with the guidance contained  
88.26 in the United States Environmental Protection Agency's Peer Review Handbook. As part  
88.27 of the independent peer review process, the commissioner shall allow for public comment,  
88.28 including written and oral public comments, on the study or proposal.

88.29 (e) This section applies to proposals and studies developed under the authority and  
88.30 duties prescribed under this chapter and, with respect to the pollution of waters of the  
88.31 state, chapter 116.

116.1 (a) The commissioner of the Pollution Control Agency must ensure that an  
116.2 independent peer review is conducted on any proposed change to a water quality standard  
116.3 under Minnesota Statutes, chapter 115 or 116, when the estimated financial impact  
116.4 to affected permittees is \$50,000,000 or more, in total, within the first five years of  
116.5 implementation. The commissioner must provide notice and take public comment on the  
116.6 charge questions for independent peer review and must allow written and oral public  
116.7 comment as part of the independent peer review process and the peer review report.  
116.8 Documentation of compliance with the notice and comment requirements and the peer  
116.9 review report must be included as part of the statement of need and reasonableness for  
116.10 the proposed rule.

88.32 Sec. 95. Minnesota Statutes 2014, section 115.073, is amended to read:

88.33 **115.073 ENFORCEMENT FUNDING.**

88.34 ~~Except as provided in section 115C.05,~~ All money recovered by the state under this  
88.35 chapter and chapters 115A and 116, including civil penalties and money paid under an  
89.1 agreement, stipulation, or settlement, excluding money paid for past due fees or taxes,  
89.2 must be deposited in the state treasury and credited to the ~~environmental~~ general fund.

89.3 Sec. 96. Minnesota Statutes 2014, section 115.55, subdivision 1, is amended to read:

89.4 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to sections  
89.5 115.55 to 115.56.

89.6 (b) "Advisory committee" means the Advisory Committee on Subsurface Sewage  
89.7 Treatment Systems established under the subsurface sewage treatment system rules. The  
89.8 advisory committee must be appointed to ensure geographic representation of the state  
89.9 and include elected public officials.

89.10 (c) "Applicable requirements" means:

89.11 (1) local ordinances that comply with the subsurface sewage treatment system rules,  
89.12 as required in subdivision 2; or

89.13 (2) in areas without compliant ordinances described in clause (1), the subsurface  
89.14 sewage treatment system rules.

89.15 (d) "Building sewer connected to a subsurface sewage treatment system" means the  
89.16 pipe that connects a structure to a subsurface sewage treatment system. Building sewers  
89.17 connected to subsurface sewage treatment systems are codefined as both plumbing and  
89.18 subsurface sewage treatment system components.

89.19 ~~(d)~~ (e) "City" means a statutory or home rule charter city.

89.20 ~~(e)~~ (f) "Commissioner" means the commissioner of the Pollution Control Agency.

89.21 ~~(f)~~ (g) "Dwelling" means a building or place used or intended to be used by human  
89.22 occupants as a single-family or two-family unit.

116.11 (b) The commissioner of the Pollution Control Agency must ensure that an  
116.12 independent peer review according to paragraph (a) is conducted on the water quality  
116.13 standards adopted by rule on August 4, 2014, and those rules are suspended until the  
116.14 independent peer review and a new rulemaking is completed on those rules. The rules in  
116.15 effect prior to adoption of the August 4, 2014, rules remain in effect until new rules are  
116.16 adopted.

116.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

89.23 ~~(g)~~ (h) "Subsurface sewage treatment system" or "system" means a sewage treatment  
89.24 system, or part thereof, that uses subsurface soil treatment and disposal, or a holding tank,  
89.25 serving a dwelling, other establishment, or a group thereof, and that does not require a  
89.26 state permit. Subsurface sewage treatment system includes a building sewer connected  
89.27 to a subsurface sewage treatment system.

89.28 ~~(h)~~ (i) "Subsurface sewage treatment system professional" means an inspector,  
89.29 installer, designer, service provider, or maintainer.

89.30 ~~(i)~~ (j) "Subsurface sewage treatment system rules" means rules adopted by the  
89.31 agency that establish minimum standards and criteria for the design, location, installation,  
89.32 use, maintenance, and closure of subsurface sewage treatment systems.

89.33 ~~(j)~~ (k) "Inspector" means a person who inspects subsurface sewage treatment  
89.34 systems for compliance with the applicable requirements.

90.1 ~~(k)~~ (l) "Installer" means a person who constructs or repairs subsurface sewage  
90.2 treatment systems.

90.3 ~~(l)~~ (m) "Local unit of government" means a township, city, or county.

90.4 ~~(m)~~ (n) "Performance-based system" means a system that is designed specifically  
90.5 for environmental conditions on a site and is designed to adequately protect the public  
90.6 health and the environment and provide consistent, reliable, long-term performance. At a  
90.7 minimum, a performance based system must ensure that applicable water quality standards  
90.8 are met in both ground and surface water that ultimately receive the treated sewage.

90.9 ~~(n)~~ (o) "Maintainer " means a person who removes solids and liquids from and  
90.10 maintains and repairs components of subsurface sewage treatment systems including, but  
90.11 not limited to, sewage, aerobic, and holding tanks.

90.12 ~~(o)~~ (p) "Seasonal dwelling" means a dwelling that is occupied or used for less than  
90.13 180 days per year and less than 120 consecutive days.

90.14 ~~(p)~~ (q) "Septic system tank" means any covered receptacle designed, constructed,  
90.15 and installed as part of a subsurface sewage treatment system.

90.16 ~~(q)~~ (r) "Designer" means a person who:

90.17 (1) investigates soils and site characteristics to determine suitability, limitations, and  
90.18 sizing requirements; and

90.19 (2) designs subsurface sewage treatment systems.

90.20 ~~(r)~~ (s) "Straight-pipe system" means a sewage disposal system that transports raw or  
90.21 partially treated sewage directly to a lake, a stream, a drainage system, or ground surface.

90.22 Sec. 97. Minnesota Statutes 2014, section 115.55, subdivision 3, is amended to read:

90.23 Subd. 3. **Rules.** (a) The agency shall adopt rules containing minimum standards and  
90.24 criteria for the design, location, installation, use, maintenance, and closure of subsurface  
90.25 sewage treatment systems. The rules must include:

90.26 (1) how the agency will ensure compliance under subdivision 2;

90.27 (2) how local units of government shall enforce ordinances under subdivision 2,  
90.28 including requirements for permits and inspection programs;

90.29 (3) how the advisory committee will participate in review and implementation of  
90.30 the rules;

90.31 (4) provisions for nonstandard systems and performance-based systems;

90.32 (5) provisions for handling and disposal of effluent;

90.33 (6) provisions for system abandonment; and

90.34 (7) procedures for variances, including the consideration of variances based on cost  
90.35 and variances that take into account proximity of a system to other systems.

91.1 (b) The agency shall consult with the advisory committee before adopting rules  
91.2 under this subdivision.

91.3 (c) The rules required in paragraph (a) must also address the following:

91.4 (1) a definition of redoximorphic features and other criteria that can be used by  
91.5 system designers and inspectors;

91.6 (2) direction on the interpretation of observed soil features that may be  
91.7 redoximorphic and their relation to zones of periodic saturation; and

91.8 (3) procedures on how to resolve professional disagreements on periodically  
91.9 saturated soils.

91.10 (d) A state disposal system permit is not required for an existing subsurface sewage  
91.11 treatment facility at a seasonal campground that is open for 180 days or less each year,  
91.12 unless the average maximum seven-day measured flow for the subsurface sewage  
91.13 treatment facility at the campground is greater than 10,000 gallons per day.

91.14 Sec. 98. Minnesota Statutes 2014, section 115.56, subdivision 2, is amended to read:

91.15 Subd. 2. **License required.** (a) Except as provided in paragraph (b), a person may  
91.16 not design, install, maintain, pump, inspect, or provide service to a subsurface sewage  
91.17 treatment system without a license issued by the commissioner. Licenses issued under this  
91.18 section allow work on subsurface sewage treatment systems that do not require a state  
91.19 permit using prescriptive designs and design guidances provided by the agency. Licensees  
91.20 who design systems using these prescriptive designs and design guidances are not subject  
91.21 to the additional licensing requirements of section 326.03.

91.22 (b) A license is not required for a person who complies with the applicable  
91.23 requirements if the person is:

91.24 (1) a qualified employee of state or local government who is a certified professional;

91.25 (2) an individual who constructs a subsurface sewage treatment system on land that  
91.26 is owned or leased by the individual and functions solely as the individual's dwelling or  
91.27 seasonal dwelling, unless specifically disallowed in local ordinance. A person constructing  
91.28 a subsurface sewage treatment system under this clause must comply with all local  
91.29 administrative and technical requirements. In addition, the system must be inspected  
91.30 before being covered and a compliance report must be provided to the local unit of  
91.31 government after the inspection;

91.32 (3) a farmer who pumps and disposes of sewage waste from subsurface sewage  
91.33 treatment systems, holding tanks, and privies on land that is owned or leased by the  
91.34 farmer; or

92.1 (4) an individual who performs labor or services for a licensed business under this  
92.2 section in connection with the design, installation, operation, pumping, or inspection of a  
92.3 subsurface sewage treatment system at the direction and under the personal supervision of  
92.4 a person certified under this section.

92.5 (c) The commissioner, in conjunction with the University of Minnesota Extension  
92.6 Service or another higher education institution, shall ensure adequate training and design  
92.7 guidance exists for subsurface sewage treatment system certified professionals.

92.8 (d) The commissioner shall conduct examinations to test the knowledge of applicants  
92.9 for certification and shall issue documentation of certification.

92.10 (e) Licenses may be issued only upon submission of general liability insurance, a  
92.11 corporate surety bond in the amount of at least ~~\$10,000~~ \$25,000, and the name of the  
92.12 individual who will be the designated certified individual for that business. The bond may  
92.13 be for both plumbing work and subsurface sewage treatment work if the bond complies  
92.14 with the requirements of this section and satisfies the requirements and references  
92.15 identified in section 326B.46, subdivision 2.

92.16 (f) Local units of government may not require additional local licenses for  
92.17 subsurface sewage treatment system businesses.

92.18 (g) No other professional license under section 326.03 is required to design, install,  
92.19 maintain, inspect, or provide service for a subsurface sewage treatment system that does  
92.20 not require a state permit using prescriptive designs and design guidances provided by  
92.21 the agency if the system designer, installer, maintainer, inspector, or service provider  
92.22 is licensed under this subdivision and the local unit of government has not adopted  
92.23 additional requirements.

92.24 Sec. 99. Minnesota Statutes 2014, section 115A.03, subdivision 25a, is amended to read:

92.25 Subd. 25a. **Recyclable materials.** "Recyclable materials" means materials that are  
92.26 separated from mixed municipal solid waste for the purpose of recycling or composting,  
92.27 including paper, glass, plastics, metals, automobile oil, batteries, ~~and~~ source-separated  
92.28 compostable materials, and sole source food waste streams that are managed through  
92.29 biodegradative processes. Refuse-derived fuel or other material that is destroyed by  
92.30 incineration is not a recyclable material.

102.7 Sec. 44. Minnesota Statutes 2014, section 115A.1415, subdivision 16, is amended to  
102.8 read:

102.9 Subd. 16. **Administrative fee.** (a) The stewardship organization or individual  
102.10 producer submitting a stewardship plan shall pay an annual administrative fee to the  
102.11 commissioner. The agency may establish a variable fee based on relevant factors,  
102.12 including, but not limited to, the portion of architectural paint sold in the state by members  
102.13 of the organization compared to the total amount of architectural paint sold in the state by  
102.14 all organizations submitting a stewardship plan.

102.15 (b) Prior to July 1, 2014, and before July 1 annually thereafter, the agency shall  
102.16 identify the costs it incurs under this section. The agency shall set the fee at an amount  
102.17 that, when paid by every stewardship organization or individual producer that submits a  
102.18 stewardship plan, is adequate to reimburse the agency's full costs of administering this  
102.19 section. The total amount of annual fees collected under this subdivision must not exceed  
102.20 the amount necessary to reimburse costs incurred by the agency to administer this section.

102.21 (c) A stewardship organization or individual producer subject to this subdivision  
102.22 must pay the agency's administrative fee under paragraph (a) on or before July 1, 2014,  
102.23 and annually thereafter. Each year after the initial payment, the annual administrative fee  
102.24 may not exceed five percent of the aggregate stewardship assessment added to the cost of  
102.25 all architectural paint sold by producers in the state for the preceding calendar year.

102.26 (d) All fees received under this section shall be deposited in the state treasury and  
102.27 credited to a product stewardship account in the special revenue fund. For fiscal years  
102.28 2014 ~~and~~ 2015, 2016, and 2017, the amount collected under this section is annually  
102.29 appropriated to the agency to implement and enforce this section.

92.31 Sec. 100. Minnesota Statutes 2014, section 115A.551, subdivision 2a, is amended to  
92.32 read:

92.33 Subd. 2a. **County recycling goals.** (a) By December 31, 2030, each county will  
92.34 have as a goal to recycle the following amounts:

93.1 (1) for a county outside of the metropolitan area, 35 percent by weight of total  
93.2 solid waste generation; and

93.3 (2) for a metropolitan county, 75 percent by weight of total solid waste generation.



93.4 (b) Each county will develop and implement or require political subdivisions within  
 93.5 the county to develop and implement programs, practices, or methods designed to meet its  
 93.6 recycling goal. Nothing in this section or in any other law may be construed to prohibit a  
 93.7 county from establishing a higher recycling goal.

93.8 (c) Any quantified recyclable materials that meet the definition in subdivision 1,  
 93.9 paragraph (a), or section 115A.03, subdivision 25a, are eligible to be counted toward a  
 93.10 county's recycling goal under this subdivision.

93.11 Sec. 101. Minnesota Statutes 2014, section 115A.557, subdivision 2, is amended to read:

93.12 Subd. 2. **Purposes for which money may be spent.** (a) A county receiving money  
 93.13 distributed by the commissioner under this section may use the money only for the  
 93.14 development and implementation of programs to:

93.15 (1) reduce the amount of solid waste generated;

93.16 (2) recycle the maximum amount of solid waste technically feasible;

93.17 (3) create and support markets for recycled products;

93.18 (4) remove problem materials from the solid waste stream and develop proper  
 93.19 disposal options for them;

93.20 (5) inform and educate all sectors of the public about proper solid waste management  
 93.21 procedures;

93.22 (6) provide technical assistance to public and private entities to ensure proper solid  
 93.23 waste management;

93.24 (7) provide educational, technical, and financial assistance for litter prevention;

93.25 (8) process mixed municipal solid waste generated in the county at a resource  
 93.26 recovery facility located in Minnesota; ~~and~~

93.27 (9) compost source-separated compostable materials, including the provision of  
 93.28 receptacles for residential composting;

93.29 (10) prevent food waste or collect and transport food donated to humans or to be  
 93.30 fed to animals; and

93.31 (11) process source-separated compostable materials that are to be used to produce  
 93.32 Class I or Class II compost, as defined in Minnesota Rules, part 7035.2836, after being  
 93.33 processed in an anaerobic digester, but not to construct any buildings or acquire any  
 93.34 equipment.

102.30 Sec. 45. Minnesota Statutes 2014, section 115A.557, subdivision 2, is amended to read:

102.31 Subd. 2. **Purposes for which money may be spent.** (a) A county receiving money  
 102.32 distributed by the commissioner under this section may use the money only for the  
 102.33 development and implementation of programs to:

102.34 (1) reduce the amount of solid waste generated;

103.1 (2) recycle the maximum amount of solid waste technically feasible;

103.2 (3) create and support markets for recycled products;

103.3 (4) remove problem materials from the solid waste stream and develop proper  
 103.4 disposal options for them;

103.5 (5) inform and educate all sectors of the public about proper solid waste management  
 103.6 procedures;

103.7 (6) provide technical assistance to public and private entities to ensure proper solid  
 103.8 waste management;

103.9 (7) provide educational, technical, and financial assistance for litter prevention;

103.10 (8) process mixed municipal solid waste generated in the county at a resource  
 103.11 recovery facility located in Minnesota; ~~and~~

103.12 (9) compost source-separated compostable materials, including the provision of  
 103.13 receptacles for residential composting;

103.14 (10) prevent food waste or collect and transport food donated to humans or to be  
 103.15 fed to animals; and

103.16 (11) process source-separated compostable materials that are to be used to produce  
 103.17 Class I or Class II compost, as defined in Minnesota Rules, part 7035.2836, after being  
 103.18 processed in an anaerobic digester, but not to construct buildings or acquire equipment.

94.1 (b) Beginning in fiscal year 2015 and continuing thereafter, of any money distributed  
94.2 by the commissioner under this section to a metropolitan county, as defined in section  
94.3 473.121, subdivision 4, that exceeds the amount the county was eligible to receive under  
94.4 this section in fiscal year 2014: (1) at least 50 percent must be expended on activities in  
94.5 paragraph (a), ~~elause~~ clauses (9) to (11); and (2) the remainder must be expended on  
94.6 activities in paragraph (a), clauses (1) to (7) and (9) to (11) that advance the county toward  
94.7 achieving its recycling goal under section 115A.551.

94.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

94.9 Sec. 102. **[115A.565] RECYCLING COMPETITIVE GRANT PROGRAM.**

94.10 Subdivision 1. **Grant program established.** The commissioner shall make  
94.11 competitive grants to political subdivisions to establish curbside recycling or composting,  
94.12 increase recycling or composting, reduce the amount of recyclable materials entering  
94.13 disposal facilities, or reduce the costs associated with hauling waste by locating collection  
94.14 sites as close as possible to the site where the waste is generated. To be eligible for grants  
94.15 under this section, a political subdivision must be located outside the seven-county  
94.16 metropolitan area and a city must have a population of less than 45,000.

94.17 Subd. 2. **Application.** (a) The commissioner must develop forms and procedures  
94.18 for soliciting and reviewing applications for grants under this section.

94.19 (b) The determination of whether to make a grant under this section is within the  
94.20 discretion of the commissioner, subject to subdivision 4. The commissioner's decisions  
94.21 are not subject to judicial review, except for abuse of discretion.

94.22 Subd. 3. **Priorities; eligible projects.** (a) If applications for grants exceed the  
94.23 available appropriations, grants must be made for projects that, in the commissioner's  
94.24 judgment, provide the highest return in public benefits.

94.25 (b) To be eligible to receive a grant, a project must:

94.26 (1) be locally administered;

94.27 (2) have an educational component and measurable outcomes;

94.28 (3) request \$250,000 or less;

94.29 (4) demonstrate local direct and indirect matching support of at least a quarter

94.30 amount of the grant request; and

94.31 (5) include at least one of the following elements:

94.32 (i) transition to residential recycling through curbside or centrally located collection

94.33 sites;

94.34 (ii) development of local recycling systems to support curbside recycling; or

103.19 (b) Beginning in fiscal year 2015 and continuing thereafter, of any money distributed  
103.20 by the commissioner under this section to a metropolitan county, as defined in section  
103.21 473.121, subdivision 4, that exceeds the amount the county was eligible to receive under  
103.22 this section in fiscal year 2014: (1) at least 50 percent must be expended on activities in  
103.23 paragraph (a), ~~elause~~ clauses (9) to (11); and (2) the remainder must be expended on  
103.24 activities in paragraph (a), clauses (1) to (7) and (9) to (11) that advance the county toward  
103.25 achieving its recycling goal under section 115A.551.

103.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

95.1 (iii) development or expansion of local recycling systems to support recycling bulk  
95.2 materials, including, but not limited to, electronic waste.

95.3 Subd. 4. **Cancellation of grant.** If a grant is awarded under this section and

95.4 funds are not encumbered for the grant within four years after the award date, the grant

95.5 must be canceled.

95.6 Sec. 103. Minnesota Statutes 2014, section 115A.93, subdivision 1, is amended to read:

95.7 Subdivision 1. **License and registration required; reporting.** (a) A person may

95.8 not collect mixed municipal solid waste for hire without a license from the jurisdiction

95.9 where the mixed municipal solid waste is collected. The local licensing entity shall submit

95.10 a list of licensed collectors to the agency.

95.11 (b) A person may not collect recyclable materials for hire unless registered with the

95.12 agency. If a person is licensed under paragraph (a), the person need not register with

95.13 the agency under this paragraph.

95.14 (c) The agency, in consultation with the Solid Waste Management Coordinating

95.15 Board, the Association of Minnesota Counties, the Minnesota Solid Waste Administrators

95.16 Association, and representatives from the waste industry shall, by July 1, 2016, develop

95.17 uniform short and long reporting forms that will reduce duplicative reporting to

95.18 governmental units by collectors of solid waste and recyclable materials.

95.19 (d) A collector of mixed municipal solid waste or recyclable materials shall separately

95.20 report to the agency on an annual basis information including, but not limited to, the

95.21 quantity of mixed municipal solid waste and the quantity of recyclable materials collected:

95.22 (1) from commercial customers;

95.23 (2) from residential customers;

95.24 (3) by county of origin; and

95.25 (4) by destination of the material.

95.26 Sec. 104. Minnesota Statutes 2014, section 115B.34, subdivision 2, is amended to read:

95.27 Subd. 2. **Property damage losses.** (a) Losses compensable by the fund for property

95.28 damage are limited to the following losses caused by damage to the principal residence of

95.29 the claimant:

95.30 (1) the reasonable cost of replacing or decontaminating the primary source of

95.31 drinking water for the property not to exceed the amount actually expended by the

95.32 claimant or assessed by a local taxing authority, if the Department of Health has confirmed

95.33 that the remedy provides safe drinking water and advised that the water not be used for

96.1 drinking or determined that the replacement or decontamination of the source of drinking

96.2 water was necessary, up to a maximum of \$25,000;

96.3 (2) the reasonable cost to install a mitigation system for the claimant's principal  
96.4 residence, not to exceed the amount actually expended by the claimant, if the agency has  
96.5 recommended such installation to protect human health due to soil vapor intrusion into  
96.6 the residence from releases of harmful substances. Reimbursement of eligible claims  
96.7 shall not exceed \$25,000;

96.8 ~~(2)~~ (3) losses incurred as a result of a bona fide sale of the property at less than  
96.9 the appraised market value under circumstances that constitute a hardship to the owner,  
96.10 limited to 75 percent of the difference between the appraised market value and the selling  
96.11 price, but not to exceed \$25,000; and

96.12 ~~(3)~~ (4) losses incurred as a result of the inability of an owner in hardship circumstances  
96.13 to sell the property due to the presence of harmful substances, limited to the increase in  
96.14 costs associated with the need to maintain two residences, but not to exceed \$25,000.

96.15 (b) In computation of the loss under paragraph (a), clause ~~(3)~~ (4), the agency shall  
96.16 offset the loss by the amount of any income received by the claimant from the rental  
96.17 of the property.

96.18 (c) For purposes of paragraph (a), the following definitions apply:

96.19 (1) "appraised market value" means an appraisal of the market value of the property  
96.20 disregarding any decrease in value caused by the presence of a harmful substance in  
96.21 or on the property; and

96.22 (2) "hardship" means an urgent need to sell the property based on a special  
96.23 circumstance of the owner including catastrophic medical expenses, inability of the owner  
96.24 to physically maintain the property due to a physical or mental condition, and change of  
96.25 employment of the owner or other member of the owner's household requiring the owner  
96.26 to move to a different location.

96.27 (d) Appraisals are subject to agency approval. The agency may adopt rules  
96.28 governing approval of appraisals, criteria for establishing a hardship, and other matters  
96.29 necessary to administer this subdivision.

96.30 Sec. 105. Minnesota Statutes 2014, section 115C.05, is amended to read:

96.31 **115C.05 CIVIL PENALTY.**

96.32 The agency may enforce section 115C.03 using the actions and remedies authorized  
96.33 under sections 115.071, subdivision 3, and 116.072. ~~The civil penalties recovered by the~~  
96.34 ~~state must be credited to the fund.~~

97.1 Sec. 106. Minnesota Statutes 2014, section 116.02, is amended to read:

97.2 **116.02 POLLUTION CONTROL AGENCY, CREATION AND POWERS.**

97.3 Subdivision 1. **Creation.** A pollution control agency, designated as the Minnesota  
97.4 Pollution Control Agency, is ~~and the Minnesota Pollution Control Agency Citizens' Board~~  
97.5 ~~are~~ hereby created. The ~~agency~~ Minnesota Pollution Control Agency Citizens' Board shall  
97.6 consist of the commissioner and eight members appointed by the governor, by and with the  
97.7 advice and consent of the senate. ~~One of such members shall be a person knowledgeable~~  
97.8 ~~in the field of agriculture and one shall be representative of organized labor.~~

97.9 Subd. 2. **Terms, compensation, removal, vacancies.** The membership terms,  
97.10 compensation, removal of members, and filling of vacancies on the ~~agency~~ Minnesota  
97.11 Pollution Control Agency Citizens' Board shall be as provided in section 15.0575.

97.12 Subd. 3. **Membership.** The membership of the Minnesota Pollution Control Agency  
97.13 Citizens' Board shall be broadly representative of the skills and experience necessary to  
97.14 effectuate the policy of sections 116.01 to 116.075, except that no member other than the  
97.15 commissioner shall be an officer or employee of the state or federal government. Only two  
97.16 members at one time may be officials or employees of a municipality or any governmental  
97.17 subdivision, but neither may be a member ex officio or otherwise on the management  
97.18 board of a municipal sanitary sewage disposal system. One of the members shall have  
97.19 expertise in agriculture, one of the members shall have expertise in forestry, one of the  
97.20 members shall have expertise in mining, and one of the members shall be a representative  
97.21 of organized labor. No more than one-half of the Minnesota Pollution Control Agency  
97.22 Citizens' Board membership may reside in the metropolitan area, as defined in section  
97.23 473.121, subdivision 2.

97.24 Subd. 4. **Chair.** The commissioner shall serve as chair of the ~~agency~~ Minnesota  
97.25 Pollution Control Agency Citizens' Board. The ~~agency~~ Minnesota Pollution Control  
97.26 Agency Citizens' Board shall elect ~~such~~ other officers as it deems necessary.

97.27 Subd. 5. **Agency is successor to commission.** The Pollution Control Agency is  
97.28 the successor of the Water Pollution Control Commission, and all powers and duties  
97.29 now vested in or imposed upon said commission by chapter 115, or any act amendatory  
97.30 thereof or supplementary thereto, are hereby transferred to, imposed upon, and vested  
97.31 in the Minnesota Pollution Control Agency, except as to those matters pending before  
97.32 the commission in which hearings have been held and evidence has been adduced. The  
97.33 Water Pollution Commission shall complete its action in such pending matters not later  
97.34 than six months from May 26, 1967. The Water Pollution Control Commission, as  
97.35 heretofore constituted, is hereby abolished, (a) effective upon completion of its action in  
98.1 the pending cases, as hereinbefore provided for; or (b) six months from May 26, 1967,  
98.2 whichever is the earlier.

98.3 Subd. 6. **~~Required decisions~~ Duties of the board.** The ~~agency~~ Minnesota Pollution  
98.4 Control Agency Citizens' Board shall ~~make final decisions on the following matters:~~

98.5 ~~(1) a petition for the preparation of an environmental assessment worksheet, if the~~  
98.6 ~~project proposer or a person commenting on the proposal requests that the decision be~~  
98.7 ~~made by the agency and the agency requests that it make the decision under subdivision 8;~~

98.8 ~~(2) the need for an environmental impact statement following preparation of an~~  
98.9 ~~environmental assessment worksheet under applicable rules, if:~~

98.10 (i) the agency has received a request for an environmental impact statement;

98.11 (ii) the project proposer or a person commenting on the proposal requests that the  
98.12 declaration be made by the agency and the agency requests that it make the decision  
98.13 under subdivision 8; or

98.14 (iii) the commissioner is recommending preparation of an environmental impact  
98.15 statement;

98.16 (3) the scope and adequacy of environmental impact statements;

98.17 (4) issuance, reissuance, modification, or revocation of a permit if:

98.18 (i) a variance is sought in the permit application or a contested case hearing request  
98.19 is pending; or

98.20 (ii) the permit applicant, the permittee, or a person commenting on the permit action  
98.21 requests that the decision be made by the agency and the agency requests that it make  
98.22 the decision under subdivision 8;

98.23 ~~(5)~~ (1) make final decisions on adoption or amendment of agency rules for which a  
98.24 public hearing is required under section 14.25 or for which the commissioner decides to  
98.25 proceed directly to a public hearing under section 14.14, subdivision 1;

98.26 (6) approval or denial of an application for a variance from an agency rule if:

98.27 (i) granting the variance request would change an air, soil, or water quality standard;

98.28 (ii) the commissioner has determined that granting the variance would have a  
98.29 significant environmental impact; or

98.30 (iii) the applicant or a person commenting on the variance request requests that the  
98.31 decision be made by the agency and the agency requests that it make the decision under  
98.32 subdivision 8 (2) provide advice to the commissioner upon request of the commissioner;  
98.33 and

98.34 (7) whether to reopen, rescind, or reverse a decision of the agency (3) conduct public  
98.35 meetings and prepare comments as provided under subdivision 11.

99.1 Subd. 7. **Additional decisions.** The commissioner may request that the agency  
99.2 make additional decisions or provide advice to the commissioner.

99.3 Subd. 8. **Other actions.** Any other action not specifically within the authority of the  
99.4 commissioner shall be made by the agency if:

99.5 ~~(1) prior to the commissioner's final decision on the action, one or more members~~  
99.6 ~~of the agency notify the commissioner of their request that the decision be made by the~~  
99.7 ~~agency; or~~

99.8 ~~(2) any person submits a petition to the commissioner requesting that the decision be~~  
99.9 ~~made by the agency and the commissioner grants the petition.~~

99.10 ~~If the commissioner denies a petition submitted under clause (2), the commissioner~~  
99.11 ~~shall advise the agency and the petitioner of the reasons for the denial.~~

99.12 Subd. 9. **Informing public.** The commissioner shall inform interested persons as  
99.13 appropriate in public notices and other public documents of their right to request the  
99.14 ~~agency Minnesota Pollution Control Agency Citizens' Board to make decisions in hold~~  
99.15 ~~public information hearings on specific matters as provided in subdivision 6 and the~~  
99.16 ~~right of agency members to request that decisions be made by the agency as provided in~~  
99.17 ~~subdivision 8 11.~~ The commissioner shall also regularly inform the ~~agency Minnesota~~  
99.18 ~~Pollution Control Agency Citizens' Board~~ of activities that have broad policy implications  
99.19 or potential environmental significance and of activities in which the public has exhibited  
99.20 substantial interest.

99.21 Subd. 10. **Changing decisions.** (a) The agency must not reopen, rescind, or reverse  
99.22 a decision of the agency except upon:

99.23 ~~(1) the affirmative vote of two-thirds of the agency; or~~

99.24 ~~(2) a finding that there was an irregularity in a hearing related to the decision, an~~  
99.25 ~~error of law, or a newly discovered material issue of fact.~~

99.26 (b) The requirements in paragraph (a) are minimum requirements and do not limit  
99.27 the agency's authority under sections 14.06 and 116.07, subdivision 3, to adopt rules:

99.28 ~~(1) applying the requirement in paragraph (a), clause (1) or (2), to certain decisions~~  
99.29 ~~of the agency; or~~

99.30 ~~(2) establishing additional or more stringent requirements for reopening, rescinding,~~  
99.31 ~~or reversing decisions of the agency.~~

99.32 Subd. 11. **Petition for public hearing.** (a) A person may request that the Minnesota  
99.33 ~~Pollution Control Agency Citizens' Board hold a public hearing by filing a petition that~~  
99.34 ~~contains the signatures and mailing addresses of at least 25 individuals who reside or own~~  
99.35 ~~property in the state on the following agency matters:~~

99.36 (1) a petition for the preparation of an environmental assessment worksheet;

100.1 (2) the need for an environmental impact statement following completion of an  
100.2 environmental assessment worksheet;

100.3 (3) the scope and adequacy of an environmental impact statement;

100.4 (4) issuance, reissuance, modification, or revocation of a permit if a variance is  
100.5 sought in the permit application or a contested case hearing request is pending; and  
100.6 (5) approval or denial of an application for a variance from an agency rule if:  
100.7 (i) granting the variance request would change an air, soil, or water quality standard;  
100.8 or  
100.9 (ii) the commissioner has determined that granting the variance would have a  
100.10 significant environmental impact.  
100.11 (b) A petition filed under this subdivision must be submitted to the Minnesota  
100.12 Pollution Control Agency Citizens' Board within 30 days of the agency providing public  
100.13 notice of the matter.  
100.14 (c) The Minnesota Pollution Control Agency Citizens' Board shall hold a public  
100.15 hearing within 30 days of receiving a petition under this subdivision. The board may  
100.16 address more than one petition at a public hearing. The commissioner shall prepare a  
100.17 notice of the public hearing and publish the notice in a newspaper of general circulation in  
100.18 the geographical area or areas affected and notify local governments and other interested  
100.19 parties as determined by the commissioner. Following the hearing, the board shall compile  
100.20 and submit comments received during the hearing to the commissioner for review.  
100.21 Sec. 107. Minnesota Statutes 2014, section 116.03, subdivision 1, is amended to read:  
100.22 Subdivision 1. **Office.** (a) The Office of Commissioner of the Pollution Control  
100.23 Agency is created and is under the supervision and control of the commissioner, who is  
100.24 appointed by the governor under the provisions of section 15.06.  
100.25 (b) The commissioner may appoint a deputy commissioner and assistant  
100.26 commissioners who shall be in the unclassified service.  
100.27 (c) The commissioner shall make all decisions on behalf of the agency ~~that are~~  
100.28 ~~not required to be made by the agency~~ except for rulemaking decisions made by the  
100.29 Minnesota Pollution Control Agency Citizens' Board under section 116.02.  
100.30 Sec. 108. Minnesota Statutes 2014, section 116.07, subdivision 4d, is amended to read:  
100.31 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater  
100.32 than those necessary to cover the reasonable costs of developing, reviewing, and acting  
100.33 upon applications for agency permits and implementing and enforcing the conditions of  
100.34 the permits pursuant to agency rules. Permit fees shall not include the costs of litigation.  
101.1 The fee schedule must reflect reasonable and routine direct and indirect costs associated  
101.2 with permitting, implementation, and enforcement. The agency may impose an additional  
101.3 enforcement fee to be collected for a period of up to two years to cover the reasonable costs  
101.4 of implementing and enforcing the conditions of a permit under the rules of the agency.  
101.5 Any money collected under this paragraph shall be deposited in the environmental fund.

103.27 Sec. 46. Minnesota Statutes 2014, section 116.07, subdivision 4d, is amended to read:  
103.28 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater  
103.29 than those necessary to cover the reasonable costs of developing, reviewing, and acting  
103.30 upon applications for agency permits and implementing and enforcing the conditions of  
103.31 the permits pursuant to agency rules. Permit fees shall not include the costs of litigation.  
103.32 The fee schedule must reflect reasonable and routine direct and indirect costs associated  
103.33 with permitting, implementation, and enforcement. The agency may impose an additional  
103.34 enforcement fee to be collected for a period of up to two years to cover the reasonable costs  
104.1 of implementing and enforcing the conditions of a permit under the rules of the agency.  
104.2 Any money collected under this paragraph shall be deposited in the environmental fund.



101.6 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from  
 101.7 the owner or operator of all stationary sources, emission facilities, emissions units, air  
 101.8 contaminant treatment facilities, treatment facilities, potential air contaminant storage  
 101.9 facilities, or storage facilities subject to ~~the requirement to obtain a permit a notification,~~  
 101.10 ~~permit, or license requirement under subchapter~~ this chapter, subchapters I and V of  
 101.11 the federal Clean Air Act, United States Code, title 42, section 7401 et seq., ~~or section~~  
 101.12 ~~416-081 or rules adopted thereunder.~~ The annual fee shall be used to pay for all direct  
 101.13 and indirect reasonable costs, including ~~attorney general legal~~ costs, required to develop  
 101.14 and administer the notification, permit, or license program requirements of subchapter  
 101.15 this chapter, subchapters I and V of the federal Clean Air Act, United States Code, title  
 101.16 42, section 7401 et seq., and sections of this chapter and the or rules adopted under  
 101.17 ~~this chapter related to air contamination and noise~~ thereunder. Those costs include the  
 101.18 reasonable costs of reviewing and acting upon an application for a permit; implementing  
 101.19 and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient,  
 101.20 and deposition monitoring; preparing generally applicable regulations; responding to  
 101.21 federal guidance; modeling, analyses, and demonstrations; preparing inventories and  
 101.22 tracking emissions; and providing information to the public about these activities.

101.23 (c) The agency shall set fees that:

101.24 (1) will result in the collection, in the aggregate, from the sources listed in paragraph  
 101.25 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant  
 101.26 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112  
 101.27 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a  
 101.28 national primary ambient air quality standard has been promulgated;

101.29 (2) may result in the collection, in the aggregate, from the sources listed in paragraph  
 101.30 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is  
 101.31 regulated under this chapter or air quality rules adopted under this chapter; and

101.32 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the  
 101.33 amount needed to match grant funds received by the state under United States Code, title  
 101.34 42, section 7405 (section 105 of the federal Clean Air Act).

101.35 The agency must not include in the calculation of the aggregate amount to be collected  
 101.36 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant  
 102.1 from a source. The increase in air permit fees to match federal grant funds shall be a  
 102.2 surcharge on existing fees. The commissioner may not collect the surcharge after the grant  
 102.3 funds become unavailable. In addition, the commissioner shall use nonfee funds to the  
 102.4 extent practical to match the grant funds so that the fee surcharge is minimized.

104.3 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from  
 104.4 the owner or operator of all stationary sources, emission facilities, emissions units, air  
 104.5 contaminant treatment facilities, treatment facilities, potential air contaminant storage  
 104.6 facilities, or storage facilities subject to ~~the requirement to obtain a permit a notification,~~  
 104.7 ~~permit, or license requirement under subchapter~~ this chapter, subchapters I and V of  
 104.8 the federal Clean Air Act, United States Code, title 42, section 7401 et seq., ~~or section~~  
 104.9 ~~416-081 or rules adopted thereunder.~~ The annual fee shall be used to pay for all direct  
 104.10 and indirect reasonable costs, including ~~attorney general legal~~ costs, required to develop  
 104.11 and administer the notification, permit, or license program requirements of subchapter  
 104.12 this chapter, subchapters I and V of the federal Clean Air Act, United States Code, title  
 104.13 42, section 7401 et seq., and sections of this chapter and the or rules adopted under  
 104.14 ~~this chapter related to air contamination and noise~~ thereunder. Those costs include the  
 104.15 reasonable costs of reviewing and acting upon an application for a permit; implementing  
 104.16 and enforcing statutes, rules, and the terms and conditions of a permit; emissions, ambient,  
 104.17 and deposition monitoring; preparing generally applicable regulations; responding to  
 104.18 federal guidance; modeling, analyses, and demonstrations; preparing inventories and  
 104.19 tracking emissions; and providing information to the public about these activities.

104.20 (c) The agency shall set fees that:

104.21 (1) will result in the collection, in the aggregate, from the sources listed in paragraph  
 104.22 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant  
 104.23 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112  
 104.24 of the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a  
 104.25 national primary ambient air quality standard has been promulgated;

104.26 (2) may result in the collection, in the aggregate, from the sources listed in paragraph  
 104.27 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is  
 104.28 regulated under this chapter or air quality rules adopted under this chapter; and

104.29 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the  
 104.30 amount needed to match grant funds received by the state under United States Code, title  
 104.31 42, section 7405 (section 105 of the federal Clean Air Act).

104.32 The agency must not include in the calculation of the aggregate amount to be collected  
 104.33 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant  
 104.34 from a source. The increase in air permit fees to match federal grant funds shall be a  
 104.35 surcharge on existing fees. The commissioner may not collect the surcharge after the grant  
 105.1 funds become unavailable. In addition, the commissioner shall use nonfee funds to the  
 105.2 extent practical to match the grant funds so that the fee surcharge is minimized.

102.5 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide  
 102.6 in the rules promulgated under paragraph (c) for an increase in the fee collected in each year  
 102.7 by the percentage, if any, by which the Consumer Price Index for the most recent calendar  
 102.8 year ending before the beginning of the year the fee is collected exceeds the Consumer Price  
 102.9 Index for the calendar year 1989. For purposes of this paragraph the Consumer Price Index  
 102.10 for any calendar year is the average of the Consumer Price Index for all-urban consumers  
 102.11 published by the United States Department of Labor, as of the close of the 12-month period  
 102.12 ending on August 31 of each calendar year. The revision of the Consumer Price Index that  
 102.13 is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

102.14 (e) Any money collected under paragraphs (b) to (d) must be deposited in the  
 102.15 environmental fund and must be used solely for the activities listed in paragraph (b).

102.16 (f) Permit applicants who wish to construct, reconstruct, or modify a facility may  
 102.17 offer to reimburse the agency for the costs of staff time or consultant services needed to  
 102.18 expedite the permit development process, including the analysis of environmental review  
 102.19 documents. The reimbursement shall be in addition to permit application fees imposed by  
 102.20 law. When the agency determines that it needs additional resources to develop the permit  
 102.21 application in an expedited manner, and that expediting the development is consistent with  
 102.22 permitting program priorities, the agency may accept the reimbursement. Reimbursements  
 102.23 accepted by the agency are appropriated to the agency for the purpose of developing  
 102.24 the permit or analyzing environmental review documents. Reimbursement by a permit  
 102.25 applicant shall precede and not be contingent upon issuance of a permit; shall not affect  
 102.26 the agency's decision on whether to issue or deny a permit, what conditions are included  
 102.27 in a permit, or the application of state and federal statutes and rules governing permit  
 102.28 determinations; and shall not affect final decisions regarding environmental review.

102.29 (g) The fees under this subdivision are exempt from section 16A.1285.

102.30 Sec. 109. Minnesota Statutes 2014, section 116.07, subdivision 4j, is amended to read:

102.31 Subd. 4j. **Permits; solid waste facilities.** (a) The agency may not issue a permit  
 102.32 for new or additional capacity for a mixed municipal solid waste resource recovery or  
 102.33 disposal facility as defined in section 115A.03 unless each county using or projected in  
 102.34 the permit to use the facility has in place a solid waste management plan approved under  
 102.35 section 115A.46 or 473.803 and amended as required by section 115A.96, subdivision 6.  
 103.1 The agency shall issue the permit only if the capacity of the facility is consistent with the  
 103.2 needs for resource recovery or disposal capacity identified in the approved plan or plans.  
 103.3 Consistency must be determined by the Pollution Control Agency. Plans approved before  
 103.4 January 1, 1990, need not be revised if the capacity sought in the permit is consistent  
 103.5 with the approved plan or plans.

105.3 (d) To cover the reasonable costs described in paragraph (b), the agency shall  
 105.4 provide in the rules promulgated ~~under paragraph (e)~~ to implement paragraphs (b) and  
 105.5 (c) for an increase in the fee collected in each year by the percentage, if any, by which  
 105.6 the Consumer Price Index for the most recent calendar year ending before the beginning  
 105.7 of the year the fee is collected exceeds the Consumer Price Index for the calendar year  
 105.8 1989. For purposes of this paragraph the Consumer Price Index for any calendar year is  
 105.9 the average of the Consumer Price Index for all-urban consumers published by the United  
 105.10 States Department of Labor, as of the close of the 12-month period ending on August 31  
 105.11 of each calendar year. The revision of the Consumer Price Index that is most consistent  
 105.12 with the Consumer Price Index for calendar year 1989 shall be used.

105.13 (e) Any money collected under ~~paragraphs (b) to (d)~~ this subdivision must be  
 105.14 deposited in the environmental fund and must be used solely for the activities listed in  
 105.15 paragraph (b).

105.16 (f) Permit applicants who wish to construct, reconstruct, or modify a facility may  
 105.17 offer to reimburse the agency for the costs of staff time or consultant services needed to  
 105.18 expedite the permit development process, including the analysis of environmental review  
 105.19 documents. The reimbursement shall be in addition to permit application fees imposed by  
 105.20 law. When the agency determines that it needs additional resources to develop the permit  
 105.21 application in an expedited manner, and that expediting the development is consistent with  
 105.22 permitting program priorities, the agency may accept the reimbursement. Reimbursements  
 105.23 accepted by the agency are appropriated to the agency for the purpose of developing  
 105.24 the permit or analyzing environmental review documents. Reimbursement by a permit  
 105.25 applicant shall precede and not be contingent upon issuance of a permit; shall not affect  
 105.26 the agency's decision on whether to issue or deny a permit, what conditions are included  
 105.27 in a permit, or the application of state and federal statutes and rules governing permit  
 105.28 determinations; and shall not affect final decisions regarding environmental review.

105.29 (g) The fees under this subdivision are exempt from section 16A.1285.

103.6 (b) The agency shall require as part of the permit application for a waste incineration  
103.7 facility identification of preliminary plans for ash management and ash leachate treatment  
103.8 or ash utilization. The permit issued by the agency must include requirements for ash  
103.9 management and ash leachate treatment.

103.10 (c) Within 180 days of receipt of a completed application, the agency shall approve,  
103.11 disapprove, or delay decision on the application, with reasons for the delay, in writing.

103.12 (d) The agency may not issue a permit for a new disposal facility, as defined in  
103.13 section 115A.03, subdivision 10, or a permit to expand an existing disposal facility unless:

103.14 (1) all local units of government in which the facility is to be sited and exercising  
103.15 their respective land use and zoning authority pursuant to chapter 366, 494, or 462 have  
103.16 granted approval for and provided any required public notices of the new or expanded  
103.17 facility prior to the issuance of the permit;

103.18 (2) all local units of government in which the facility is to be sited and exercising  
103.19 their respective land use and zoning authority pursuant to chapter 366, 494, or 462 have  
103.20 authorized the permit to be issued prior to or concurrent with the required approval by  
103.21 the local unit of government; or

103.22 (3) the new or expanded facility is part of and will be sited on land already identified  
103.23 in an approved solid waste management plan as described in paragraph (a).

103.24 (e) The commissioners of the Pollution Control Agency and natural resources shall  
103.25 apply Minnesota Rules, parts 7001.3050, subpart 3, item G, and 7035.2525, subpart 2,  
103.26 item G, to solid waste facilities permitted under and in compliance with those rules and in  
103.27 compliance with Minnesota Rules, chapter 6132.

103.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

103.29 Sec. 110. Minnesota Statutes 2014, section 116.07, subdivision 7, is amended to read:

103.30 Subd. 7. **Counties; processing of applications for animal lot permits.** Any  
103.31 Minnesota county board may, by resolution, with approval of the Pollution Control  
103.32 Agency, assume responsibility for processing applications for permits required by the  
103.33 Pollution Control Agency under this section for livestock feedlots, poultry lots or other  
103.34 animal lots. The responsibility for permit application processing, if assumed by a county,  
103.35 may be delegated by the county board to any appropriate county officer or employee.

104.1 (a) For the purposes of this subdivision, the term "processing" includes:

104.2 (1) the distribution to applicants of forms provided by the Pollution Control Agency;

104.3 (2) the receipt and examination of completed application forms, and the certification,  
104.4 in writing, to the Pollution Control Agency either that the animal lot facility for which a  
104.5 permit is sought by an applicant will comply with applicable rules and standards, or, if  
104.6 the facility will not comply, the respects in which a variance would be required for the  
104.7 issuance of a permit; and

104.8 (3) rendering to applicants, upon request, assistance necessary for the proper  
104.9 completion of an application.

104.10 (b) For the purposes of this subdivision, the term "processing" may include, at the  
104.11 option of the county board, issuing, denying, modifying, imposing conditions upon, or  
104.12 revoking permits pursuant to the provisions of this section or rules promulgated pursuant  
104.13 to it, subject to review, suspension, and reversal by the Pollution Control Agency. The  
104.14 Pollution Control Agency shall, after written notification, have 15 days to review, suspend,  
104.15 modify, or reverse the issuance of the permit. After this period, the action of the county  
104.16 board is final, subject to appeal as provided in chapter 14. For permit applications filed  
104.17 after October 1, 2001, section 15.99 applies to feedlot permits issued by the agency or a  
104.18 county pursuant to this subdivision.

104.19 (c) For the purpose of administration of rules adopted under this subdivision, the  
104.20 commissioner and the agency may provide exceptions for cases where the owner of a  
104.21 feedlot has specific written plans to close the feedlot within five years. These exceptions  
104.22 include waiving requirements for major capital improvements.

104.23 (d) For purposes of this subdivision, a discharge caused by an extraordinary natural  
104.24 event such as a precipitation event of greater magnitude than the 25-year, 24-hour event,  
104.25 tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

104.26 (e) In adopting and enforcing rules under this subdivision, the commissioner shall  
104.27 cooperate closely with other governmental agencies.

104.28 (f) The Pollution Control Agency shall work with the Minnesota Extension Service,  
104.29 the Department of Agriculture, the Board of Water and Soil Resources, producer groups,  
104.30 local units of government, as well as with appropriate federal agencies such as the Natural  
104.31 Resources Conservation Service and the Farm Service Agency, to notify and educate  
104.32 producers of rules under this subdivision at the time the rules are being developed and  
104.33 adopted and at least every two years thereafter.

104.34 (g) The Pollution Control Agency shall adopt rules governing the issuance and  
104.35 denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this  
104.36 section. Pastures are exempt from the rules authorized under this paragraph. A feedlot  
105.1 permit is not required for livestock feedlots with more than ten but less than 50 animal  
105.2 units; provided they are not in shoreland areas. A livestock feedlot permit does not  
105.3 become required solely because of a change in the ownership of the buildings, grounds,  
105.4 or feedlot. These rules apply both to permits issued by counties and to permits issued  
105.5 by the Pollution Control Agency directly.

105.6 (h) The Pollution Control Agency shall exercise supervising authority with respect  
105.7 to the processing of animal lot permit applications by a county.

105.8 (i) Any new rules or amendments to existing rules proposed under the authority  
105.9 granted in this subdivision, or to implement new fees on animal feedlots, must be  
105.10 submitted to the members of legislative policy and finance committees with jurisdiction  
105.11 over agriculture and the environment prior to final adoption. The rules must not become  
105.12 effective until 90 days after the proposed rules are submitted to the members.

105.13 (j) Until new rules are adopted that provide for plans for manure storage structures,  
105.14 any plans for a liquid manure storage structure must be prepared or approved by a  
105.15 registered professional engineer or a United States Department of Agriculture, Natural  
105.16 Resources Conservation Service employee.

105.17 (k) A county may adopt by ordinance standards for animal feedlots that are more  
105.18 stringent than standards in Pollution Control Agency rules.

105.19 (l) After January 1, 2001, a county that has not accepted delegation of the feedlot  
105.20 permit program must hold a public meeting prior to the agency issuing a feedlot permit  
105.21 for a feedlot facility with 300 or more animal units, unless another public meeting has  
105.22 been held with regard to the feedlot facility to be permitted.

105.23 (m) After the proposed rules published in the State Register, volume 24, number 25,  
105.24 are finally adopted, the agency may not impose additional conditions as a part of a feedlot  
105.25 permit, unless specifically required by law or agreed to by the feedlot operator.

105.26 (n) For the purposes of feedlot permitting, a discharge from land-applied manure  
105.27 or a manure stockpile that is managed according to agency rule must not be subject to  
105.28 a fine for a discharge violation.

105.29 (o) For the purposes of feedlot permitting, manure that is land applied, or a manure  
105.30 stockpile that is managed according to agency rule, must not be considered a discharge  
105.31 into waters of the state, unless the discharge is to waters of the state, as defined by  
105.32 section 103G.005, subdivision 17, except type 1 or type 2 wetlands, as defined in section  
105.33 103G.005, subdivision 17b, and does not meet discharge standards established for feedlots  
105.34 under agency rule.

105.35 (p) Unless the upgrade is needed to correct an immediate public health threat under  
105.36 section 145A.04, subdivision 8, or the facility is determined to be a concentrated animal  
106.1 feeding operation under Code of Federal Regulations, title 40, section 122.23, in effect on  
106.2 April 15, 2003, the agency may not require a feedlot operator:

106.3 (1) to spend more than \$3,000 to upgrade an existing feedlot with less than 300  
106.4 animal units unless cost-share money is available to the feedlot operator for 75 percent of  
106.5 the cost of the upgrade; or

106.6 (2) to spend more than \$10,000 to upgrade an existing feedlot with between 300  
106.7 and 500 animal units, unless cost-share money is available to the feedlot operator for 75  
106.8 percent of the cost of the upgrade or \$50,000, whichever is less.

106.9 (q) For the purposes of this section, "pastures" means areas, including winter feeding  
106.10 areas as part of a grazing area, where grass or other growing plants are used for grazing  
106.11 and where the concentration of animals allows a vegetative cover to be maintained during  
106.12 the growing season except that vegetative cover is not required:

106.13 (1) in the immediate vicinity of supplemental feeding or watering devices;

106.14 (2) in associated corrals and chutes where livestock are gathered for the purpose of  
106.15 sorting, veterinary services, loading and unloading trucks and trailers, and other necessary  
106.16 activities related to good animal husbandry practices; and

106.17 (3) in associated livestock access lanes used to convey livestock to and from areas  
106.18 of the pasture.

106.19 (r) A feedlot operator who stores and applies up to 100,000 gallons per calendar year  
106.20 of private truck wash wastewater resulting from trucks that transport animals or supplies  
106.21 to and from the feedlot does not require a permit to land-apply industrial by-products  
106.22 if the feedlot operator stores and applies the wastewater in accordance with Pollution  
106.23 Control Agency requirements for land applications of industrial by-product that do not  
106.24 require a permit.

106.25 (s) A feedlot operator who holds a permit from the Pollution Control Agency to  
106.26 land-apply industrial by-products from a private truck wash is not required to have a  
106.27 certified land applicator apply the private truck wash wastewater if the wastewater is  
106.28 applied by the feedlot operator to cropland owned or leased by the feedlot operator or  
106.29 by a commercial animal waste technician licensed by the commissioner of agriculture  
106.30 under chapter 18C.

106.31 For purposes of this paragraph and paragraph (r), "private truck wash" means a truck  
106.32 washing facility owned or leased, operated, and used only by a feedlot operator to wash  
106.33 trucks owned or leased by the feedlot operator and used to transport animals or supplies  
106.34 to and from the feedlot.

107.1 Sec. 111. Minnesota Statutes 2014, section 116.07, is amended by adding a subdivision  
107.2 to read:

107.3 Subd. 13. **Limitation regarding certain policies, guidelines, and other**

107.4 **nonbinding interpretive statements.** The commissioner shall not seek to implement or  
107.5 enforce against any entity or permittee a policy, guideline, or other nonbinding interpretive  
107.6 statement that meets the definition of a rule under chapter 14 if the policy, guideline, or  
107.7 other nonbinding interpretive statement has not been adopted as a rule in accordance  
107.8 with chapter 14.

105.30 Sec. 47. Minnesota Statutes 2014, section 116.9401, is amended to read:

105.31 **116.9401 DEFINITIONS.**

105.32 (a) For the purposes of sections 116.9401 to ~~116.9407~~ 116.9411, the following terms  
105.33 have the meanings given them.

105.34 (b) "Agency" means the Pollution Control Agency.

106.1 (c) "Alternative" means a substitute process, product, material, chemical, strategy,  
106.2 or combination of these that is technically feasible and serves a functionally equivalent  
106.3 purpose to a chemical in a children's product.

106.4 (d) "Chemical" means a substance with a distinct molecular composition or a group  
106.5 of structurally related substances and includes the breakdown products of the substance or  
106.6 substances that form through decomposition, degradation, or metabolism.

106.7 (e) "Chemical of high concern" means a chemical identified on the basis of credible  
106.8 scientific evidence by a state, federal, or international agency as being known or suspected  
106.9 with a high degree of probability to:

106.10 (1) harm the normal development of a fetus or child or cause other developmental  
106.11 toxicity;

106.12 (2) cause cancer, genetic damage, or reproductive harm;

106.13 (3) disrupt the endocrine or hormone system;

106.14 (4) damage the nervous system, immune system, or organs, or cause other systemic  
106.15 toxicity;

106.16 (5) be persistent, bioaccumulative, and toxic; or

106.17 (6) be very persistent and very bioaccumulative.

106.18 (f) "Child" means a person under 12 years of age.

106.19 (g) "Children's product" means a consumer product intended for use by children,  
106.20 such as baby products, toys, car seats, personal care products, and clothing.

106.21 (h) "Commissioner" means the commissioner of the Pollution Control Agency.

106.22 (i) "Contaminant" means a trace amount of a chemical that is incidental to  
106.23 manufacturing and serves no intended function in the product component. Contaminant  
106.24 includes, but is not limited to, unintended by-products of chemical reactions that  
106.25 occur during the manufacture of the product component, trace impurities in feedstock,  
106.26 incompletely reacted chemical mixtures, and degradation products.

106.27 (j) "Department" means the Department of Health.

106.28 ~~(j)~~ (k) "Distributor" means a person who sells consumer products to retail  
106.29 establishments on a wholesale basis.

106.30 ~~(k)~~ (l) "Green chemistry" means an approach to designing and manufacturing  
106.31 products that minimizes the use and generation of toxic substances.

106.32 ~~(h)~~ (m) "Manufacturer" means any person who manufactures a final consumer  
106.33 product sold at retail or whose brand name is affixed to the consumer product. In the  
106.34 case of a consumer product imported into the United States, manufacturer includes the  
106.35 importer or domestic distributor of the consumer product if the person who manufactured  
107.1 or assembled the consumer product or whose brand name is affixed to the consumer  
107.2 product does not have a presence in the United States.

107.3 (n) "Practical quantification limit" means the lowest concentration of a chemical that  
107.4 can be reliably measured within specified limits of precision, accuracy, representativeness,  
107.5 completeness, and comparability under routine laboratory operating conditions, the value  
107.6 of which:

107.7 (1) is based on scientifically defensible, standard analytical methods;

107.8 (2) may vary depending on the matrix and analytical method used; and

107.9 (3) will be determined jointly by the agency and the department, taking into  
107.10 consideration practical quantification limits established by federal or state agencies.

107.11 ~~(m)~~ (o) "Priority chemical" means a chemical identified by the Department of Health  
107.12 as a chemical of high concern that meets the criteria in section 116.9403.

107.13 ~~(n)~~ (p) "Product category" means the brick level of the GS1 Global Product  
107.14 Classification (GPC) standard, which identifies products that serve a common purpose, are  
107.15 of a similar form and material, and share the same set of category attributes.

107.16 (q) "Safer alternative" means an alternative whose potential to harm human health is  
107.17 less than that of the use of a priority chemical that it could replace.

107.18 **EFFECTIVE DATE.** This section is effective July 1, 2016.

107.19 Sec. 48. Minnesota Statutes 2014, section 116.9402, is amended to read:

107.20 **116.9402 IDENTIFICATION OF CHEMICALS OF HIGH CONCERN.**

107.21 (a) By July 1, 2010, the department shall, after consultation with the agency,  
107.22 generate a list of chemicals of high concern.

107.23 (b) The department must periodically review and revise the list of chemicals of  
107.24 high concern at least every three years. The department may add chemicals to the list if  
107.25 the chemical meets one or more of the criteria in section 116.9401, paragraph (e). Any  
107.26 changes to the list of chemicals of high concern must be published on the department's  
107.27 Web site and in the State Register when a change is made.



107.28 (c) The department shall consider chemicals listed as a suspected carcinogen,  
107.29 reproductive or developmental toxicant, or as being persistent, bioaccumulative, and  
107.30 toxic, or very persistent and very bioaccumulative by a state, federal, or international  
107.31 agency. These agencies may include, but are not limited to, the California Environmental  
107.32 Protection Agency, the Washington Department of Ecology, the United States Department  
107.33 of Health, the United States Environmental Protection Agency, the United Nation's World  
108.1 Health Organization, and European Parliament Annex XIV concerning the Registration,  
108.2 Evaluation, Authorisation, and Restriction of Chemicals.

108.3 (d) The department may consider chemicals listed by another state as harmful to  
108.4 human health or the environment for possible inclusion in the list of chemicals of high  
108.5 concern.

108.6 **EFFECTIVE DATE.** This section is effective July 1, 2016.

108.7 Sec. 49. Minnesota Statutes 2014, section 116.9403, is amended to read:

108.8 **116.9403 IDENTIFICATION OF PRIORITY CHEMICALS.**

108.9 (a) The department, after consultation with the agency, may designate a chemical of  
108.10 high concern as a priority chemical if the department finds that the chemical:

108.11 (1) has been identified as a high-production volume chemical by the United States  
108.12 Environmental Protection Agency; and

108.13 (2) meets any of the following criteria:

108.14 (i) the chemical has been found through biomonitoring to be present in human blood,  
108.15 including umbilical cord blood, breast milk, urine, or other bodily tissues or fluids;

108.16 (ii) the chemical has been found through sampling and analysis to be present in  
108.17 household dust, indoor air, drinking water, or elsewhere in the home environment; or

108.18 (iii) the chemical has been found through monitoring to be present in fish, wildlife,  
108.19 or the natural environment.

108.20 (b) By February 1, 2011, the department shall publish a list of priority chemicals in  
108.21 the State Register and on the department's Internet Web site and shall update the published  
108.22 list whenever a new priority chemical is designated. Any proposed changes to the list of  
108.23 priority chemicals must be published on the department's Web site and in the State Register  
108.24 and is subject to a minimum 60-day public comment period. After the department's  
108.25 review and consideration of public comments, a final list of changes to the list of priority  
108.26 chemicals must be published on the department's Web site and in the State Register.

108.27 **EFFECTIVE DATE.** This section is effective July 1, 2016.

108.28 Sec. 50. Minnesota Statutes 2014, section 116.9405, is amended to read:

108.29 **116.9405 APPLICABILITY.**

108.30 The requirements of sections 116.9401 to ~~116.9407~~ 116.9411 do not apply to:

108.31 (1) chemicals in used children's products;

108.32 (2) priority chemicals used in the manufacturing process, but that are not present  
108.33 in the final product;

109.1 (3) priority chemicals used in agricultural production;

109.2 (4) motor vehicles as defined in chapter 168 or watercraft as defined in chapter  
109.3 86B or their component parts, except that the use of priority chemicals in detachable  
109.4 car seats is not exempt;

109.5 (5) priority chemicals generated solely as combustion by-products or that are present  
109.6 in combustible fuels;

109.7 (6) retailers, except if a retailer is also the producer, manufacturer, importer, or  
109.8 domestic distributor of a children's product containing a priority chemical or the retailer's  
109.9 brand name is affixed to a children's product containing a priority chemical;

109.10 (7) pharmaceutical products or biologics;

109.11 (8) a medical device as defined in the federal Food, Drug, and Cosmetic Act, United  
109.12 States Code, title 21, section 321(h);

109.13 (9) food and food or beverage packaging, except a container containing baby food  
109.14 or infant formula;

109.15 (10) consumer electronics products and electronic components, including but not  
109.16 limited to personal computers; audio and video equipment; calculators; digital displays;  
109.17 wireless phones; cameras; game consoles; printers; and handheld electronic and electrical  
109.18 devices used to access interactive software or their associated peripherals; or products that  
109.19 comply with the provisions of directive 2002/95/EC of the European Union, adopted by  
109.20 the European Parliament and Council of the European Union now or hereafter in effect; ~~or~~

109.21 (11) outdoor sport equipment, including snowmobiles as defined in section 84.81,  
109.22 subdivision 3; all-terrain vehicles as defined in section 84.92, subdivision 8; personal  
109.23 watercraft as defined in section 86B.005, subdivision 14a; watercraft as defined in section  
109.24 86B.005, subdivision 18; and off-highway motorcycles, as defined in section 84.787,  
109.25 subdivision 7, and all attachments and repair parts for all of this equipment;

109.26 (12) a manufacturer or distributor of a children's product whose annual aggregate  
109.27 gross sales, both within and outside this state, as reported in the manufacturer's or  
109.28 distributor's most recently filed federal tax return, is below \$100,000; or

109.29 (13) a children's product if the annual production of the children's product is less  
109.30 than 3,000 units.

109.31 **EFFECTIVE DATE.** This section is effective July 1, 2016.

109.32 Sec. 51. Minnesota Statutes 2014, section 116.9406, is amended to read:

109.33 **116.9406 DONATIONS TO THE STATE.**

110.1 The commissioner may accept donations, grants, and other funds to carry out the  
110.2 purposes of sections 116.9401 to ~~116.9407~~ 116.9411. All donations, grants, and other  
110.3 funds must be accepted without preconditions regarding the outcomes of the regulatory  
110.4 oversight processes set forth in sections 116.9401 to ~~116.9407~~ 116.9411.

110.5 **EFFECTIVE DATE.** This section is effective July 1, 2016.

110.6 Sec. 52. **[116.9408] CHILDREN'S PRODUCTS; REPORTING INFORMATION**

110.7 **ON PRIORITY CHEMICALS.**

110.8 Subdivision 1. **Reporting; content.** A manufacturer or distributor of a children's  
110.9 product offered for sale in this state that contains one or more priority chemicals  
110.10 designated under section 116.9403 must, unless the children's product is exempt under  
110.11 section 116.9405, provide the following information to the agency, on a form developed by  
110.12 the agency, for each priority chemical that is intentionally added to the children's product  
110.13 and present at or above the practical quantification limit or that is a contaminant present in  
110.14 a component of the children's product at a concentration above 100 parts per million:

110.15 (1) the name of the priority chemical;

110.16 (2) the Chemical Abstracts Service Registry number of the priority chemical;

110.17 (3) the concentration of each priority chemical contained in a children's product, a  
110.18 description of how the concentration was determined, and an evaluation of the accuracy  
110.19 of the determination. Concentrations at or above the practical quantification limit must  
110.20 be reported, but may be reported in the following ranges:

110.21 (i) greater than or equal to the practical quantification limit but less than 100 parts  
110.22 per million (ppm);

110.23 (ii) greater than or equal to 100 ppm but less than 500 ppm;

110.24 (iii) greater than or equal to 500 ppm but less than 1,000 ppm;

110.25 (iv) greater than or equal to 1,000 ppm but less than 5,000 ppm;

110.26 (v) greater than or equal to 5,000 ppm but less than 10,000 ppm; and

110.27 (vi) greater than or equal to 10,000 ppm;

110.28 (4) the product category of the children's product;

110.29 (5) the number of units of the children's product sold in Minnesota or nationally in

110.30 the most recently completed calendar year;

110.31 (6) information that the agency determines is necessary to determine the extent to

110.32 which a child is likely to be exposed to the priority chemical through normal use of the

110.33 product;

111.1 (7) any assessment conducted by the manufacturer or distributor of the children's

111.2 product or others regarding the use of safer alternatives to the priority chemical contained

111.3 in the children's product; and

111.4 (8) any additional information requested by the agency.

111.5 Subd. 2. **Report timing.** (a) A manufacturer or distributor subject to this section

111.6 must report the information required under this section to the agency no later than one

111.7 year after a priority chemical has been designated under section 116.9403 or, for a priority

111.8 chemical designated under section 116.9403 before July 1, 2011, on the following

111.9 schedule based on the manufacturer's or distributor's annual aggregate gross sales, both

111.10 within and outside the state, as reported in the manufacturer's or distributor's most recently

111.11 filed federal tax return:

111.12 (1) for a manufacturer or distributor with gross sales exceeding \$1,000,000,000, by

111.13 July 1, 2018;

111.14 (2) for a manufacturer or distributor with gross sales exceeding \$250,000,000 but

111.15 less than or equal to \$1,000,000,000, by January 1, 2019;

111.16 (3) for a manufacturer or distributor with gross sales exceeding \$100,000,000 but

111.17 less than or equal to \$250,000,000, by July 1, 2019;

111.18 (4) for a manufacturer or distributor with gross sales exceeding \$5,000,000 but less

111.19 than or equal to \$100,000,000, by July 1, 2020; and

111.20 (5) for a manufacturer or distributor with gross sales exceeding \$100,000 but less

111.21 than or equal to \$5,000,000, by July 1, 2021.

111.22 (b) Two years after submitting an initial report to the agency under this section,

111.23 a manufacturer or distributor of a children's product offered for sale in this state that

111.24 continues to contain one or more priority chemicals must submit an updated report

111.25 containing the information required under subdivision 1 and the 12-digit Universal

111.26 Product Code for the children's product. If the children's product continues to be offered

111.27 for sale in this state and to contain the priority chemical, the information required under

111.28 this paragraph must be submitted to the agency every two years.

111.29 Subd. 3. **Public data.** Notwithstanding section 13.37, subdivision 2, the presence  
111.30 and concentration of a priority chemical in a specific children's product reported to the  
111.31 agency under this section are classified as public data.

111.32 Subd. 4. **Not misappropriation of trade secret.** Notwithstanding section 325C.01,  
111.33 subdivision 3, publication by the agency of the presence and concentration of a priority  
111.34 chemical in a specific children's product reported to the agency under this section is not  
111.35 misappropriation of a trade secret.

112.1 Subd. 5. **Removal of priority chemical; reporting.** A manufacturer or distributor  
112.2 who removes a priority chemical from a children's product reported under this section  
112.3 must notify the agency of the removal at the earliest possible date. If the priority  
112.4 chemical removed is replaced by a safer alternative, the manufacturer or distributor  
112.5 must provide, on a form developed by the agency, the name of the safer alternative  
112.6 and its Chemical Abstracts Service Registry number or, if not replaced by a chemical  
112.7 alternative, a description of the techniques or design changes implemented. The safer  
112.8 alternative or nonchemical techniques or design changes may be designated as trade  
112.9 secrets. Upon verification that all priority chemicals in the product have been replaced by  
112.10 safer alternatives, the commissioner must promptly remove from state agency Web sites  
112.11 any reference to the relevant children's product of the manufacturer, and the manufacturer  
112.12 will no longer report or pay fees on that children's product.

112.13 Subd. 6. **Failure to report.** If the information required in this section is not  
112.14 submitted in a timely fashion or is incomplete or otherwise unacceptable as determined  
112.15 by the agency, the agency may contract with an independent third party of the agency's  
112.16 choice to provide the information and may assess a fee on the manufacturer or distributor  
112.17 to pay the costs specified under section 116.9409.

112.18 **EFFECTIVE DATE.** This section is effective July 1, 2016.

112.19 Sec. 53. **[116.9409] FEES.**

112.20 (a) The agency shall collect a fee of \$1,000 for each priority chemical initially  
112.21 reported under section 116.9408. The fee increases by \$1,000 for each report subsequently  
112.22 filed with the agency under section 116.9408 for the same chemical contained in the same  
112.23 children's product category, up to a maximum of \$3,000.

112.24 (b) The agency shall collect a fee equal to the costs billed by the independent  
112.25 contractor plus the agency's actual incurred costs to bid and administer the contract for  
112.26 each contract issued under section 116.9408, subdivision 6.

112.27 (c) The commissioner shall deposit all fees received under this section in an account  
112.28 in the special revenue fund.

112.29 (d) Fees collected under this section are exempt from section 16A.1285.

112.30 **EFFECTIVE DATE.** This section is effective July 1, 2016.

112.31 Sec. 54. **[116.9410] ENFORCEMENT.**

113.1 The agency shall enforce sections 116.9401 to 116.9409 in the manner provided by  
113.2 section 115.071, subdivisions 1, 3, 4, 5, and 6. Section 115.071, subdivision 2, does not  
113.3 apply to violations of sections 116.9401 to 116.9409.

113.4 **EFFECTIVE DATE.** This section is effective July 1, 2016.

113.5 Sec. 55. **[116.9411] STATE AGENCY DUTIES.**

113.6 Subdivision 1. **Safer alternative grants.** If there is fee revenue collected under  
113.7 section 116.9409, paragraph (a), in excess of program implementation costs, the  
113.8 commissioner, in consultation with the commissioners of commerce and health, may  
113.9 use that fee revenue to offer grants awarded competitively to manufacturers or other  
113.10 researchers to develop safer alternatives to priority chemicals in children's products,  
113.11 to establish alternatives as safer alternatives, or to accelerate the commercialization of  
113.12 safer alternatives.

113.13 Subd. 2. **Education and outreach.** The commissioners of health and commerce  
113.14 shall develop and implement an education and outreach effort regarding priority chemicals  
113.15 in children's products.

113.16 Subd. 3. **Report.** By January 15, 2019, and every three years thereafter, the  
113.17 commissioners of the Pollution Control Agency, health, and commerce shall report to  
113.18 the legislative committees with jurisdiction over environment and natural resources,  
113.19 commerce, and public health on the implementation of sections 116.9401 to 116.9411.

113.20 **EFFECTIVE DATE.** This section is effective July 1, 2016.

107.9 Sec. 112. Minnesota Statutes 2014, section 116D.04, is amended by adding a  
107.10 subdivision to read:

107.11 Subd. 17. **Discretionary review notification.** The commissioners of natural  
107.12 resources and the Pollution Control Agency, when ordering the preparation of a  
107.13 discretionary environmental impact statement or discretionary environmental assessment  
107.14 worksheet for a proposed action, must notify the proposer of the action by certified mail at  
107.15 least 90 days prior to making the order public.

107.16 Sec. 113. Minnesota Statutes 2014, section 144.12, is amended by adding a subdivision  
107.17 to read:

107.18 Subd. 4. **Camper cabins and bunk houses.** Camper cabins and bunk houses are  
107.19 exempt from floor space, air space, or bed spacing requirements applicable to lodging  
107.20 establishments adopted by the commissioner. For the purposes of this section:

107.21 (1) "bunk house" means a building, structure, or enclosure intended to sleep more  
107.22 than one person for up to three nights that does not include a kitchen or bathroom; and

107.23 (2) "camper cabin" means a permanent rustic enclosure with walls and a floor  
107.24 that does not include a kitchen or bath; is located in a state park administered by the  
107.25 commissioner of natural resources, at a resort as defined under section 157.15, subdivision  
107.26 11, or at a recreational camping area as defined under section 327.14, subdivision 8; and is  
107.27 intended to be a place where sleeping accommodations are furnished to the public.

107.28 Sec. 114. Minnesota Statutes 2014, section 171.07, is amended by adding a subdivision  
107.29 to read:

107.30 Subd. 18. **All-terrain vehicle safety certificate.** (a) The department shall maintain  
107.31 in its records information transmitted electronically from the commissioner of natural  
107.32 resources identifying each person to whom the commissioner has issued an all-terrain  
107.33 vehicle safety certificate. The records transmitted from the Department of Natural  
108.1 Resources must contain the full name and date of birth as required for the driver's license  
108.2 or identification card. Records that are not matched to a driver's license or identification  
108.3 card record may be deleted after seven years.

108.4 (b) After receiving information under paragraph (a) that a person has received an  
108.5 all-terrain vehicle safety certificate, the department shall include, on all drivers' licenses  
108.6 or Minnesota identification cards subsequently issued to the person, a graphic or written  
108.7 indication that the person has received the certificate.

108.8 (c) If a person who has received an all-terrain vehicle safety certificate applies  
108.9 for a driver's license or Minnesota identification card before that information has been  
108.10 transmitted to the department, the department may accept a copy of the certificate as proof  
108.11 of its issuance and shall then follow the procedures in paragraph (b).

108.12 **EFFECTIVE DATE.** This section is effective January 1, 2016, or the date the new  
108.13 driver and vehicle services information technology system is implemented, whichever  
108.14 comes later.

108.15 Sec. 115. Minnesota Statutes 2014, section 282.011, subdivision 3, is amended to read:

108.16 Subd. 3. **Title examination.** The commissioner of revenue shall, if requested by the  
108.17 purchaser or the county attorney of the county where all or a portion of the land is situated,  
108.18 deliver the deed to the county attorney for use under Minnesota Statutes 2014, section  
108.19 88.48, subdivision 5, but such delivery shall not be considered delivery to the purchaser.  
108.20 The county attorney shall be instructed when taking the transferral of the deed that said  
108.21 deed shall not be delivered to the purchaser unless the land involved is accepted as and  
108.22 placed into an auxiliary forest.

108.23 Sec. 116. **[325E.382] CERTAIN PRODUCTS CONTAINING MICROBEADS**  
108.24 **PROHIBITED.**

108.25 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms  
108.26 have the meanings given.

108.27 (b) "Over-the-counter drug" means a drug that is a personal care product that  
108.28 contains a label that identifies the product as a drug as required by Code of Federal  
108.29 Regulations, title 21, section 201.66. An "over-the-counter drug" label includes:

108.30 (1) a drug facts panel; or

108.31 (2) a statement of the active ingredients with a list of those ingredients contained in  
108.32 the compound, substance, or preparation.

108.33 (c) "Personal care product" means any article intended to be rubbed, poured,  
108.34 sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or  
109.1 any part thereof for cleansing, beautifying, promoting attractiveness, or altering the  
109.2 appearance, and any article intended for use as a component of any such article. "Personal  
109.3 care product" does not include prescription drugs.

109.4 (d) "Plastic" means a synthetic material made from linking monomers through  
109.5 a chemical reaction to create an organic polymer chain that can be molded or extruded  
109.6 at high heat into various solid forms retaining their defined shapes during life cycle and  
109.7 after disposal.

109.8 (e) "Synthetic plastic microbead" means any intentionally added nonbiodegradable  
109.9 solid plastic particle measured less than five millimeters in size and used to exfoliate  
109.10 or cleanse in a rinse-off product.

109.11 Subd. 2. **Prohibitions.** (a) Effective December 31, 2017, no person shall  
109.12 manufacture for sale a personal care product, except for an over-the-counter drug, that  
109.13 contains synthetic plastic microbeads.

109.14 (b) Effective December 31, 2018, no person shall accept for sale a personal care  
109.15 product, except for an over-the-counter drug, that contains synthetic plastic microbeads.

109.16 (c) Effective December 31, 2018, no person shall manufacture for sale an  
109.17 over-the-counter drug that contains synthetic plastic microbeads.



109.18 (d) Effective December 31, 2019, no person shall accept for sale an over-the-counter  
109.19 drug that contains synthetic plastic microbeads.

109.20 Subd. 3. **Preemption.** This section preempts any ordinance or resolution of a  
109.21 municipality, county, or any other local government entity concerning synthetic plastic  
109.22 microbeads.

109.23 Sec. 117. Minnesota Statutes 2014, section 446A.073, subdivision 1, is amended to read:

109.24 Subdivision 1. **Program established.** When money is appropriated for grants  
109.25 under this program, the authority shall award grants up to a maximum of \$3,000,000 to  
109.26 governmental units to cover up to one-half the cost of ~~wastewater treatment or storm~~ water  
109.27 infrastructure projects made necessary by:

109.28 (1) a wasteload reduction prescribed under a total maximum daily load plan required  
109.29 by section 303(d) of the federal Clean Water Act, United States Code, title 33, section  
109.30 1313(d);

109.31 (2) a phosphorus concentration or mass limit which requires discharging one  
109.32 milligram per liter or less at permitted design flow which is incorporated into a permit  
109.33 issued by the Pollution Control Agency;

110.1 (3) any other water quality-based effluent limit established under section 115.03,  
110.2 subdivision 1, paragraph (e), clause (8), and incorporated into a permit issued by the  
110.3 Pollution Control Agency that exceeds secondary treatment limits; or

110.4 (4) a total nitrogen limit of ten milligrams per liter or less for a land-based treatment  
110.5 system.

110.6 Sec. 118. Minnesota Statutes 2014, section 446A.073, subdivision 3, is amended to read:

110.7 Subd. 3. **Project priorities.** When money is appropriated for grants under this  
110.8 program, the authority shall accept applications during the month of July and reserve  
110.9 money for projects expected to proceed with construction by the end of the fiscal year in  
110.10 the order listed on the Pollution Control Agency's project priority list and in an amount  
110.11 based on the cost estimate submitted to the authority in the grant application or the as-bid  
110.12 costs, whichever is less. Notwithstanding Minnesota Rules, chapter 7077, the Pollution  
110.13 Control Agency may rank a drinking water infrastructure project on the agency's project  
110.14 priority list if the project is necessary to meet an applicable requirement in subdivision 1.

110.15 Sec. 119. Minnesota Statutes 2014, section 446A.073, subdivision 4, is amended to read:

110.16 Subd. 4. **Grant approval.** The authority must make a grant for an eligible project  
110.17 only after:

110.18 (1) the applicant has submitted the as-bid cost for the ~~wastewater treatment or storm~~  
110.19 water infrastructure project;

110.20 (2) the Pollution Control Agency has approved the as-bid costs and certified the  
110.21 grant eligible portion of the project; and

110.22 (3) the authority has determined that the additional financing necessary to complete  
110.23 the project has been committed from other sources.

110.24 Sec. 120. Minnesota Statutes 2014, section 473.1565, is amended to read:

110.25 **473.1565 METROPOLITAN AREA WATER SUPPLY PLANNING**

110.26 **ACTIVITIES; ADVISORY COMMITTEE COMMITTEES.**

110.27 Subdivision 1. **Planning activities.** (a) The Metropolitan Council must carry out  
110.28 planning activities addressing the water supply needs of the metropolitan area as defined  
110.29 in section 473.121, subdivision 2. The planning activities must include, at a minimum:

110.30 (1) development and maintenance of a base of technical information needed for  
110.31 sound water supply decisions including surface and groundwater availability analyses,  
110.32 water demand projections, water withdrawal and use impact analyses, modeling, and  
110.33 similar studies;

111.1 (2) development and periodic update of a metropolitan area master water supply  
111.2 plan, prepared in cooperation with and subject to the approval of the ~~commissioner of~~  
111.3 ~~natural resources~~ policy advisory committee established in this section, that:

111.4 (i) provides guidance for local water supply systems and future regional investments;

111.5 (ii) emphasizes conservation, interjurisdictional cooperation, and long-term  
111.6 sustainability; and

111.7 (iii) addresses the reliability, security, and cost-effectiveness of the metropolitan area  
111.8 water supply system and its local and subregional components;

111.9 (3) recommendations for clarifying the appropriate roles and responsibilities of  
111.10 local, regional, and state government in metropolitan area water supply;

111.11 (4) recommendations for streamlining and consolidating metropolitan area water  
111.12 supply decision-making and approval processes; and

111.13 (5) recommendations for the ongoing and long-term funding of metropolitan area  
111.14 water supply planning activities and capital investments.

111.15 (b) The council must carry out the planning activities in this subdivision in  
111.16 consultation with the Metropolitan Area Water Supply Policy and Technical Advisory  
111.17 ~~Committee~~ Committees established in ~~subdivision 2~~ this section.

111.18 Subd. 2. **Policy advisory committee.** (a) A Metropolitan Area Water Supply  
111.19 Policy Advisory Committee is established to assist the council in its planning activities in  
111.20 subdivision 1. The policy advisory committee has the following membership:

111.21 (1) the commissioner of agriculture or the commissioner's designee;

111.22 (2) the commissioner of health or the commissioner's designee;

111.23 (3) the commissioner of natural resources or the commissioner's designee;

111.24 (4) the commissioner of the Pollution Control Agency or the commissioner's  
111.25 designee;

111.26 (5) two officials of counties that are located in the metropolitan area, appointed by  
111.27 the governor, in consultation with the Association of Minnesota Counties;

111.28 (6) five officials of noncounty local governmental units that are located in the  
111.29 metropolitan area, appointed by the governor, in consultation with the Association of  
111.30 Metropolitan Municipalities;

111.31 (7) the chair of the Metropolitan Council or the chair's designee, who is chair of the  
111.32 advisory committee; ~~and~~

111.33 (8) one official each from the counties of Chisago, Isanti, Sherburne, and Wright,  
111.34 appointed by the governor, in consultation with the Association of Minnesota Counties  
111.35 and the League of Minnesota Cities; and

112.1 (9) a member of the Board of Water Commissioners of the Saint Paul Regional Water  
112.2 Services, appointed by and serving at the pleasure of the Board of Water Commissioners,  
112.3 and a representative of the Minneapolis Water Department, appointed by and serving at  
112.4 the pleasure of the mayor of the city of Minneapolis.

112.5 A local government unit in each of the seven counties in the metropolitan area  
112.6 and Chisago, Isanti, Sherburne, and Wright Counties must be represented in the 11  
112.7 appointments made under clauses (5), (6), and (8).

112.8 (b) Members of the advisory committee appointed by the governor serve at the  
112.9 pleasure of the governor. Members of the advisory committee serve without compensation  
112.10 but may be reimbursed for their reasonable expenses as determined by the Metropolitan  
112.11 Council. ~~The advisory committee expires December 31, 2016.~~

112.12 (c) The council must consider the work and recommendations of the policy advisory  
112.13 committee when the council is preparing its regional development framework.

112.14 Subd. 2a. **Technical advisory committee.** A Metropolitan Area Water Supply  
112.15 Technical Advisory Committee is established to inform the policy advisory committee's  
112.16 work by providing scientific and engineering expertise necessary to provide the region an  
112.17 adequate and sustainable water supply. The technical advisory committee consists of 11  
112.18 members appointed by the policy advisory committee as follows:

112.19 (1) six members to represent operators of single-city and multicity public water  
112.20 supply systems in the metropolitan area;

112.21 (2) a hydrologist with expertise in groundwater analysis and modeling;

112.22 (3) a hydrologist with expertise in surface water analysis and modeling;

112.23 (4) an engineer with expertise in the design and construction of water supply systems;

112.24 (5) a person with expertise in population and demographic forecasting and modeling;

112.25 and

112.26 (6) a person with expertise in water demand forecasting.

112.27 Members of the technical advisory committee serve at the pleasure of the policy advisory

112.28 committee, without compensation, but may be reimbursed for their reasonable expenses as

112.29 determined by the council.

112.30 Subd. 3. **Reports to legislature.** (a) The council must submit reports to the

112.31 legislature regarding its findings, recommendations, and continuing planning activities

112.32 under subdivision 1. These reports shall be included in the "Minnesota Water Plan"

112.33 required in section 103B.151, and five-year interim reports may be provided as necessary.

112.34 (b) By February 15, 2017, and at least every five years thereafter, the policy advisory

112.35 committee shall report to the council, the Legislative Water Commission, and the chairs

112.36 and ranking minority members of the house of representatives and senate committees and

113.1 divisions with jurisdiction over environment and natural resources with the information

113.2 required under this section. The policy advisory committee's report and recommendations

113.3 must include information provided by the technical advisory committee.

113.4 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following

113.5 final enactment and applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,

113.6 Scott, and Washington.

113.7 Sec. 121. **SURPLUS STATE LAND SALES.**

113.8 The school trust lands director shall identify at least \$5,000,000 in state-owned

113.9 lands suitable for sale and notify the commissioner of natural resources of the identified

113.10 lands. The lands identified shall not be within a unit of the outdoor recreation system

113.11 under Minnesota Statutes, section 86A.05, an administrative site, or trust land. The

113.12 commissioner shall sell at least \$3,000,000 worth of lands identified by the school trust

113.13 lands director by June 30, 2017. Notwithstanding Minnesota Statutes, section 94.16,

113.14 subdivision 3, or any other law to the contrary, the amount of the proceeds from the sale of

113.15 lands that exceeds the actual expenses of selling the lands must be deposited in the school

113.16 trust lands account and used to extinguish the school trust interest as provided under

113.17 Minnesota Statutes, section 92.83, on school trust lands that have public water access

113.18 sites or old growth forests located on them.

113.19 Sec. 122. **REQUIRED RULEMAKING; SUBSURFACE SEWAGE TREATMENT**

113.20 **SYSTEMS.**

117.26 Sec. 64. **SURPLUS STATE LAND SALES.**

117.27 The school trust lands director shall identify at least \$5,000,000 in state-owned

117.28 lands suitable for sale and notify the commissioner of natural resources of the identified

117.29 lands. The lands identified shall not be within a unit of the outdoor recreation system

117.30 under Minnesota Statutes, section 86A.05, an administrative site, or trust land. The

117.31 commissioner shall sell at least \$3,000,000 worth of lands identified by the school trust

117.32 lands director by June 30, 2017. Notwithstanding Minnesota Statutes, section 94.16,

117.33 subdivision 3, or any other law to the contrary, the amount of the proceeds from the sale of

117.34 lands that exceeds the actual expenses of selling the lands must be deposited in the school

117.35 trust lands account and used to extinguish the school trust interest as provided under

118.1 Minnesota Statutes, section 92.83, on school trust lands that have public water access

118.2 sites or old growth forests located on them.

113.21 The commissioner of the Pollution Control Agency shall adopt rules, using the  
113.22 expedited rulemaking process in Minnesota Statutes, section 14.389, that set forth  
113.23 procedures to conform with the changes to Minnesota Statutes, chapter 115, under this act  
113.24 and to streamline the subsurface sewage treatment system (SSTS) license application and  
113.25 renewal process in a manner that:

113.26 (1) surety bond and insurance requirements of licensed SSTS businesses meet the  
113.27 requirements of Minnesota Statutes, chapter 115 and section 326B.46, subdivision 2; and

113.28 (2) properly trained SSTS installers may complete work on a building sewer with  
113.29 respect to the Plumbing Code and plumbing program and SSTS designers and inspectors  
113.30 may complete work on a building sewer connected to an SSTS with respect to the  
113.31 Plumbing Code and plumbing program.

113.32 Sec. 123. **WETLAND CONSERVATION ACT REPORT.**

114.1 By March 15, 2016, the Board of Water and Soil Resources, in cooperation with the  
114.2 Department of Natural Resources, shall report to the committees with jurisdiction over  
114.3 environment and natural resources on the proposals to implement high priority areas for  
114.4 wetland replacement and in-lieu fees for replacement and modify wetland replacement  
114.5 siting and actions eligible for credit. In developing the report, the board and department  
114.6 shall consult with stakeholders and agencies.

114.7 Sec. 124. **ALL-TERRAIN VEHICLE REGISTRATION TRANSITION.**

114.8 (a) A person must have an unexpired class 1 or class 2 all-terrain vehicle or off-road  
114.9 vehicle registration and may continue to display the unexpired class 1 or class 2 all-terrain  
114.10 vehicle or off-road vehicle registration until the electronic licensing system has been  
114.11 upgraded to conform with the amendments to Minnesota Statutes, section 84.92, under  
114.12 this act.

114.13 (b) When the electronic licensing system has been upgraded, a person who possesses  
114.14 an unexpired class 1 or class 2 all-terrain vehicle or off-road vehicle registration may  
114.15 continue to display that unexpired class 1 or class 2 all-terrain vehicle or off-road vehicle  
114.16 registration until the class 1 or class 2 all-terrain vehicle or off-road vehicle registration is  
114.17 renewed, transferred, or replacement registration is applied for.

114.18 Sec. 125. **ANALYSIS OF WATER QUALITY STANDARDS.**

114.19 (a) The commissioner of management and budget shall contract with a nonstate  
114.20 entity for an analysis of the costs of recently adopted or proposed changes to water quality  
114.21 standards and rules, including:

114.22 (1) recently adopted or proposed changes to total suspended solid, nutrient, chloride,  
114.23 nitrate, and sulfate standards;

114.4 Sec. 57. **WETLAND CONSERVATION ACT REPORT.**

114.5 By March 15, 2016, the Board of Water and Soil Resources, in cooperation with the  
114.6 Department of Natural Resources, shall report to the committees with jurisdiction over  
114.7 environment and natural resources on the proposals to implement high priority areas for  
114.8 wetland replacement and in-lieu fees for replacement and modify wetland replacement  
114.9 siting and actions eligible for credit. In developing the report, the board and department  
114.10 shall consult with stakeholders and agencies.

116.25 Sec. 63. **COST ANALYSIS OF WATER QUALITY STANDARDS;**  
116.26 **APPROPRIATION.**

116.27 (a) The commissioner of the Pollution Control Agency, after consultation with  
116.28 the commissioner of management and budget, shall issue a request for proposal not to  
116.29 exceed \$250,000 to contract with a nonstate entity for an engineering cost analysis of  
116.30 current and recently adopted, proposed, or anticipated changes to water quality standards  
116.31 and rules, including:

116.32 (1) recently adopted or proposed changes to total suspended solid, nutrient, chloride,  
116.33 nitrate, and sulfate standards;

114.24 (2) proposed nondegradation rulemaking provisions;

114.25 (3) proposed changes to water quality standards to incorporate a tiered aquatic

114.26 life use framework; and

114.27 (4) changes to water quality standards, reinterpretation of water quality standards,

114.28 and water strategies or other regulatory initiatives the commissioner of the Pollution

114.29 Control Agency anticipates will be proposed in the next five years that will impact national

114.30 pollutant discharge elimination system permits.

114.31 (b) The analysis must include a cost analysis for a representative sample of at

114.32 least 15 communities. The sample must include a diverse set of communities based on

114.33 geography, watersheds, community size, wastewater facility types and operators, storm

115.1 water system types, and other factors to ensure the analysis is representative of the state as

115.2 a whole. The analysis must include:

115.3 (1) an estimate of the overall costs to upgrade wastewater and storm water systems,

115.4 including ongoing operating costs and costs associated with disposing of waste that are

115.5 likely to be incurred as a result of the recent, proposed, and anticipated changes; and

115.6 (2) an analysis of the estimated incremental impact to water quality in affected water

115.7 bodies as a direct result of the recent, proposed, and anticipated changes.

115.8 (c) The commissioner shall submit the analysis to the chairs and ranking minority

115.9 members of the committees and divisions of the house of representatives and senate with

115.10 jurisdiction over water quality standards no later than January 1, 2017.

115.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

116.34 (2) proposed nondegradation rulemaking provisions; and

117.1 (3) proposed changes to water quality standards to incorporate a tiered aquatic

117.2 life use framework.

117.3 (b) The contractor may employ engineering subcontractors serving local

117.4 governments to complete the analysis. The analysis must include a cost analysis for

117.5 a representative sample of at least 15 communities. The sample must include a diverse

117.6 set of communities based on geography, watersheds, community size, wastewater facility

117.7 types and operators, storm water system types, and other factors to ensure the analysis is

117.8 representative of the state as a whole. The analysis must include:

117.9 (1) an estimate of the overall capital and operating costs to maintain and upgrade

117.10 wastewater and storm water systems for existing water quality standards;

117.11 (2) an estimate of the overall capital and operating costs likely to be incurred

117.12 to upgrade wastewater and storm water systems for recently adopted, proposed, or

117.13 anticipated changes to water quality standards; and

117.14 (3) an estimate of the incremental effect to overall water quality in the receiving

117.15 waters as a direct result of the recently adopted, proposed, or anticipated changes to

117.16 water quality standards.

117.17 (c) The commissioner shall submit the analysis to the chairs and ranking minority

117.18 members of the committees and divisions of the house of representatives and senate with

117.19 jurisdiction over water quality standards no later than January 1, 2017.

117.24 **EFFECTIVE DATE.** Paragraph (d) of this section is effective the day following

117.25 final enactment.

115.12 Sec. 126. **SUSPENSION OF NEW WATER QUALITY RULES.**

115.13 Until the analysis is submitted to the legislature as required under section 125 and  
 115.14 the proposed amendments to Minnesota Rules, chapters 7050 and 7053, regarding total  
 115.15 suspended solids and eutrophication standards proposed and noticed in the State Register  
 115.16 on November 18, 2013, have undergone a new rulemaking process and been submitted  
 115.17 and approved by the legislature, the amendments to Minnesota Rules, chapters 7050 and  
 115.18 7053, regarding total suspended solids and eutrophication standards, are suspended and  
 115.19 the rules as they were prior to adoption of the amendments remain in effect.

115.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

115.21 Sec. 127. **LAKE WINNIPEG TOTAL MAXIMUM DAILY LOAD.**

115.22 The commissioner of the Pollution Control Agency must coordinate with North  
 115.23 Dakota and Manitoba to develop a total maximum daily load under section 303(d) of the  
 115.24 Clean Water Act, United States Code, title 33, section 1313(d), for nutrients and suspended  
 115.25 solids entering Lake Winnipeg. The total maximum daily load must include phosphorus  
 115.26 and suspended solids wasteload allocations for point sources and load allocations for  
 115.27 nonpoint sources for sources discharging these pollutants to the Red River of the North  
 115.28 and its tributaries. Phosphorus or suspended solids effluent limits on these point sources  
 115.29 shall be deferred until the total maximum daily load has been subject to public review and  
 115.30 comment and formally approved by the United States Environmental Protection Agency.

115.31 Sec. 128. **WILD RICE WATER QUALITY STANDARDS.**

116.1 (a) Until the commissioner of the Pollution Control Agency adopts the rules to  
 116.2 establish criteria for designating waters subject to a wild rice water quality standard as  
 116.3 required under Laws 2011, First Special Session chapter 2, article 4, section 32, paragraph  
 116.4 (b), and adopts the rule as required under Laws 2011, First Special Session chapter 2,  
 116.5 article 4, section 32, paragraph (a), designating waters containing natural beds of wild rice  
 116.6 that are subject to a wild rice water quality standard and designating the specific times of  
 116.7 year during which the standard applies, the commissioner shall not:

116.8 (1) apply the wild rice water quality standard for sulfate in class 4A waters to any  
 116.9 waters, including incorporating the standard or any requirements based on the standard  
 116.10 within any permits, compliance schedules, orders, or other control documents; or

116.11 (2) list waters containing natural beds of wild rice as impaired for sulfate under  
 116.12 section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313.

116.13 (b) For the purposes of this section, "waters containing natural beds of wild rice"  
 116.14 has the meaning given in Laws 2011, First Special Session chapter 2, article 4, section  
 116.15 32, paragraph (b).

117.20 (d) Until 45 legislative days after the report is submitted under paragraph (c), the  
 117.21 commissioner of the Pollution Control Agency must not require additional wastewater  
 117.22 treatment at wastewater treatment facilities that are necessary due to the changes in the  
 117.23 agency's water quality rules adopted on August 4, 2014.

116.18 Sec. 62. **MINIMUM WATER QUALITY STANDARDS.**

116.19 Until the Red River of the North water quality strategic plan is completed and  
 116.20 submitted to the legislature according to article 3, section 2, subdivision 2, the Minnesota  
 116.21 Pollution Control Agency must not require a current permittee that discharges to the Red  
 116.22 River of the North to meet standards above the minimum standards for water quality that  
 116.23 are set by the United States Environmental Protection Agency and that are applicable in  
 116.24 North Dakota.

114.15 Sec. 59. **WILD RICE WATER QUALITY STANDARDS.**

114.16 (a) Until the commissioner of the Pollution Control Agency adopts rules refining  
 114.17 the wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2,  
 114.18 to incorporate new science and to include criteria for identifying waters and a list of  
 114.19 waters subject to the standard, implementation of the wild rice water quality standard  
 114.20 in Minnesota Rules, part 7050.0224, subpart 2, is limited to the following, unless the  
 114.21 permittee requests additional conditions:

114.22 (1) the agency shall ensure that no existing discharge further causes or contributes to  
 114.23 sulfate impacts to wild rice and, to accomplish this, is limited by the following conditions:

114.24 (i) the agency shall not require permittees to expend money for design or  
 114.25 implementation of sulfate treatment technologies or other forms of sulfate mitigation; and

114.26 (ii) the agency may require sulfate minimization plans in permits;

114.27 (2) the agency shall consider wild rice protection when evaluating proposals for new  
 114.28 or expanded discharges that include sulfate; and

114.29 (3) the agency shall not list waters containing natural beds of wild rice as impaired  
114.30 for sulfate under section 303(d) of the federal Clean Water Act, United States Code, title  
114.31 33, section 1313, until the rulemaking described in this paragraph takes effect.

115.1 (b) Upon the rule described in paragraph (a) taking effect, the agency may reopen  
115.2 permits issued or reissued after the effective date of this section as needed to include  
115.3 numeric permit limits based on the wild rice water quality standard.

115.4 (c) The commissioner shall complete the rulemaking described in paragraph (a) by  
115.5 January 15, 2018.

115.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

116.16 Sec. 129. **FEDERAL CLEAN WATER ACT SECTION 404 PERMIT PROGRAM**  
116.17 **FEASIBILITY STUDY.**

116.18 (a) The Board of Water and Soil Resources and the commissioner of natural  
116.19 resources shall study the feasibility of the state assuming administration of the section  
116.20 404 permit program of the federal Clean Water Act. The United States Army Corps of  
116.21 Engineers, St. Paul District; and the United States Environmental Protection Agency shall  
116.22 be consulted with during the development of the study. The study shall identify:

116.23 (1) the federal requirements for state assumption of the 404 program;

116.24 (2) the potential extent of assumption, including those waters that would remain under  
116.25 the jurisdiction of the United States Army Corps of Engineers due to the prohibition of 404  
116.26 assumption in certain waters as defined in section 404(g)(1) of the federal Clean Water Act;

116.27 (3) differences in waters regulated under Minnesota laws compared to waters of the  
116.28 United States, including complications and potential solutions to address the current  
116.29 uncertainties relating to determining waters of the United States;

116.30 (4) measures to ensure the protection of aquatic resources consistent with the Clean  
116.31 Water Act, Wetland Conservation Act, and the public waters program administered by the  
116.32 Department of Natural Resources;

116.33 (5) changes to existing state law, including changes to current implementation  
116.34 structure and processes, that would need to occur to allow for state assumption of the  
116.35 404 program;

117.1 (6) new agency responsibilities for implementing federal requirements and  
117.2 procedures that would become the obligation of the state under assumption, including the  
117.3 staff and resources needed for implementation;

117.4 (7) the estimated costs and savings that would accrue to affected units of government;

117.5 (8) the effect on application review and approval processes and time frames;



117.6 (9) alternatives to assumption that would also achieve the goals of regulatory

117.7 simplification, efficiency, and reduced permitting times;

117.8 (10) options for financing any additional costs of implementation; and

117.9 (11) other information as determined by the board and commissioner.

117.10 (b) The board and commissioner shall involve stakeholders in the development of

117.11 the plan of study consistent with Minnesota Statutes, section 103B.101, subdivision 16.

117.12 (c) By January 15, 2017, the board and commissioner must report the study to the

117.13 legislative policy and finance committees and divisions with jurisdiction over environment

117.14 and natural resources.

117.15 Sec. 130. **ANATOMICAL DONATION OPTION ON HUNTING AND FISHING**

117.16 **LICENSES; STUDY.**

117.17 The commissioner of natural resources, in coordination with the commissioner

117.18 of public safety, shall study the feasibility of providing an option on applications for

117.19 resident licenses to hunt and fish that allows the applicant to indicate a desire to make an

117.20 anatomical gift. The commissioner of natural resources shall submit recommendations

117.21 to the chairs and ranking minority members of the house of representatives and senate

117.22 committees and divisions with jurisdiction over the environment and natural resources

117.23 by December 15, 2015.

117.24 Sec. 131. **METROPOLITAN PARKS; INTEREST EARNINGS.**

117.25 Notwithstanding Laws 1985, First Special Session chapter 15, section 5, subdivision

117.26 2, paragraph (b), and Laws 1987, chapter 384, article 3, section 45, the Metropolitan

117.27 Council shall use the interest earnings in Laws 1985, First Special Session chapter 15,

117.28 section 5, subdivision 2, for the use and betterment of all regional recreational open space

117.29 lands under the jurisdiction of the Metropolitan Council.

117.30 **EFFECTIVE DATE.** This section is effective January 1, 2017.

117.31 Sec. 132. **REFUNDS; YOUTH BEAR LICENSES.**

118.1 The commissioner of natural resources may issue refunds for youth bear licenses

118.2 that were purchased between August 1, 2013, and June 30, 2014, to individuals who were

118.3 10, 11, or 12 years old at the time of purchase until June 30, 2016.

118.4 Sec. 133. **WATER RETENTION PROJECTS.**

114.11 Sec. 58. **REFUNDS; YOUTH BEAR LICENSES.**

114.12 The commissioner of natural resources may issue refunds for youth bear licenses

114.13 that were purchased between August 1, 2013, and June 30, 2014, to individuals who were

114.14 10, 11, or 12 years old at the time of purchase.

118.5 By August 1, 2015, the commissioner of natural resources, in cooperation with  
118.6 the commissioners of agriculture and the Pollution Control Agency, the Board of Water  
118.7 and Soil Resources, and other interested parties, shall develop proposals for significant  
118.8 large-scale projects that provide flood water retention, water quality improvements,  
118.9 nutrient and sediment reduction, and wildlife habitat for submission to the Lessard-Sams  
118.10 Outdoor Heritage Council, Clean Water Council, and the Legislative-Citizen Commission  
118.11 on Minnesota Resources for funding in fiscal year 2017. Any deadlines established by the  
118.12 Lessard-Sams Outdoor Heritage Council, Clean Water Council, or the Legislative-Citizen  
118.13 Commission on Minnesota Resources are waived for purposes of the submissions.

118.14 Sec. 134. **WILD TURKEY CRITICAL HABITAT PLATE.**

118.15 The commissioner of natural resources and the commissioner of public safety must  
118.16 select a design depicting wild turkey when selecting designs for the next selection of critical  
118.17 habitat plates as provided under Minnesota Statutes, section 168.1296, subdivision 2.

118.18 Sec. 135. **BASE BUDGET REPORT.**

118.19 The commissioners of natural resources and the Pollution Control Agency shall each  
118.20 submit a report that contains the details of their base budgets, including prior appropriation  
118.21 riders, to the chairs and ranking minority members of the house of representatives and  
118.22 senate committees and divisions with jurisdiction over the environment and natural  
118.23 resources by October 15, 2016.

118.24 Sec. 136. **TRANSFERS.**

118.25 (a) By June 30, 2015, the commissioner of management and budget shall transfer  
118.26 to the natural resources conservation easement stewardship account, established in  
118.27 Minnesota Statutes, section 84.69, the remaining balance in the forests for the future  
118.28 conservation easement account under Minnesota Statutes, section 84.68.

118.29 (b) By June 30, 2015, the commissioner of management and budget shall transfer  
118.30 to the natural resources conservation easement stewardship account, established in  
118.31 Minnesota Statutes, section 84.69, the following amounts:

119.1 (1) \$114,840 from Laws 2011, First Special Session chapter 6, article 1, section  
119.2 2, subdivision 3, paragraph (a);

119.3 (2) \$25,000 from Laws 2012, chapter 264, article 1, section 2, subdivision 5,  
119.4 paragraph (a); and

119.5 (3) \$14,000 from Laws 2013, chapter 137, article 1, section 2, subdivision 2,  
119.6 paragraph (c).

113.21 Sec. 56. **TRANSFERS.**

113.22 (a) On June 30, 2015, the commissioner of management and budget shall transfer  
113.23 to the natural resources conservation easement stewardship account, established in  
113.24 Minnesota Statutes, section 84.69, the remaining balance:

113.25 (1) in the forests for the future conservation easement account under section 84.68;  
113.26 and

113.27 (2) of all appropriations to the Department of Natural Resources from the outdoor  
113.28 heritage fund for the establishment of conservation easement monitoring and enforcement  
113.29 accounts.

113.30 (b) On June 30, 2015, the commissioner of management and budget shall transfer to  
113.31 the water and soil conservation easement stewardship account, established in Minnesota  
113.32 Statutes, section 103B.103, the remaining balance of all appropriations to the board from  
114.1 the outdoor heritage fund for the establishment of conservation easement monitoring  
114.2 and enforcement accounts.

114.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

119.7 (c) The commissioner of management and budget shall transfer additional  
119.8 amounts from Laws 2013, chapter 137, article 1, section 2, subdivision 2, paragraph  
119.9 (c), to the natural resources conservation easement stewardship account, established in  
119.10 Minnesota Statutes, section 84.69, upon closing on conservation easements funded by the  
119.11 appropriation, provided that total transfers to the account shall not exceed \$42,000.

119.12 (d) The commissioner of management and budget shall transfer amounts from  
119.13 Laws 2014, chapter 256, article 1, section 2, subdivision 2, paragraph (e), to the natural  
119.14 resources conservation easement stewardship account, established in Minnesota Statutes,  
119.15 section 84.69, upon closing on conservation easements funded by the appropriation,  
119.16 provided that total transfers to the account shall not exceed \$112,000.

119.17 (e) By June 30, 2015, the commissioner of management and budget shall transfer to  
119.18 the water and soil conservation easement stewardship account, established in Minnesota  
119.19 Statutes, section 103B.103, the following amounts:

119.20 (1) \$191,667 from Laws 2011, First Special Session chapter 6, article 1, section  
119.21 2, subdivision 2, paragraph (c);

119.22 (2) \$57,750 from Laws 2011, First Special Session chapter 6, article 1, section  
119.23 2, subdivision 4, paragraph (a);

119.24 (3) \$15,750 from Laws 2011, First Special Session chapter 6, article 1, section  
119.25 2, subdivision 4, paragraph (c);

119.26 (4) \$48,000 from Laws 2012, chapter 264, article 1, section 2, subdivision 2,  
119.27 paragraph (a);

119.28 (5) \$1,821 from Laws 2012, chapter 264, article 1, section 2, subdivision 3,  
119.29 paragraph (a);

119.30 (6) \$26,400 from Laws 2013, chapter 137, article 1, section 2, subdivision 3,  
119.31 paragraph (b);

119.32 (7) \$26,400 from Laws 2013, chapter 137, article 1, section 2, subdivision 2,  
119.33 paragraph (e);

119.34 (8) \$4,800 from Laws 2013, chapter 137, article 1, section 2, subdivision 4,  
119.35 paragraph (d); and

120.1 (9) \$4,500 from Laws 2014, chapter 256, article 1, section 2, subdivision 2,  
120.2 paragraph (f).

120.3 (f) The commissioner of management and budget shall continue to transfer money,  
120.4 appropriated to the Board of Water and Soil Resources on or before June 30, 2015,  
120.5 for conservation easement monitoring and enforcement funds to the water and soil  
120.6 conservation easement stewardship account, established in Minnesota Statutes, section  
120.7 103B.103, upon closing on conservation easements, provided that total transfers to the  
120.8 account shall not exceed the "up to" amount specified in each appropriation.

120.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

115.7 Sec. 60. **WORKING LANDS WATERSHED RESTORATION**  
115.8 **IMPLEMENTATION PLAN.**

115.9 (a) The Board of Water and Soil Resources shall develop a detailed plan to  
115.10 implement Minnesota Statutes, section 103F.519, that includes the following:

115.11 (1) selection of pilot watersheds that are expected to best demonstrate water quality  
115.12 improvements and exhibit readiness to participate in the program;

115.13 (2) an assessment of the quantity of agricultural lands that are expected to be eligible  
115.14 for the program in each watershed;

115.15 (3) an assessment of landowner interest in participating in the program;

115.16 (4) an assessment of the contract terms and any recommendations for changes to  
115.17 the terms;

115.18 (5) an assessment of the opportunity to leverage federal funds through the program  
115.19 and recommendations on how to maximize the use of federal funds in the future;

115.20 (6) an estimate of water quality improvements resulting from implementation;

115.21 (7) an assessment of potential groundwater quantity use of the proposed advanced  
115.22 biofuel production facilities;

115.23 (8) an assessment of how to best integrate implementation with existing conservation  
115.24 requirements and practices;

115.25 (9) a timeline for implementation, coordinated to the extent possible with the  
115.26 proposed advanced biofuel production facilities; and

115.27 (10) a projection of funding sources needed to complete implementation.

120.10 Sec. 137. **REVISOR'S INSTRUCTIONS.**

120.11 (a) The revisor of statutes shall delete the range reference "88.47 to 88.53" wherever  
120.12 it appears in Minnesota Statutes and Minnesota Rules and insert "88.49 to 88.53."

120.13 (b) The revisor of statutes shall renumber the subdivisions of Minnesota Statutes,  
120.14 section 103G.005, to retain alphabetical order and shall correct cross-references to the  
120.15 renumbered subdivisions.

120.16 Sec. 138. **REPEALER.**

120.17 (a) Minnesota Statutes 2014, sections 84.68; 88.47; 88.48; 88.49, subdivisions 1, 2,  
120.18 and 10; 88.491, subdivision 1; 88.51, subdivision 2; 116.02, subdivisions 7, 8, and 10;  
120.19 and 282.013, are repealed.

120.20 (b) Minnesota Statutes 2014, section 86B.13, subdivisions 2 and 4, are repealed.

120.21 (c) Minnesota Statutes 2014, section 477A.19, is repealed.

120.22 **EFFECTIVE DATE.** Paragraph (b) of this section is effective the day following  
120.23 final enactment.

115.28 (b) The board shall coordinate development of the plan with the commissioners of  
115.29 natural resources, agriculture, and the Pollution Control Agency. The implementation plan  
115.30 must be submitted by October 1, 2016, to the chairs and ranking minority members of the  
115.31 legislative committees and divisions with jurisdiction over agriculture, natural resources,  
115.32 and environment policy and finance and to the Clean Water Council.

118.3 Sec. 65. **REVISOR'S INSTRUCTION.**

118.4 The revisor of statutes shall renumber the subdivisions of Minnesota Statutes,  
118.5 section 103G.005, to retain alphabetical order and shall correct cross-references to the  
118.6 renumbered subdivisions.

118.7 Sec. 66. **REPEALER.**

118.8 (a) Minnesota Statutes 2014, section 84.68, is repealed.

118.9 (b) Minnesota Statutes 2014, section 86B.13, subdivisions 2 and 4, are repealed.

118.10 (c) Laws 2010, chapter 215, article 3, section 3, subdivision 6, as amended by Laws  
118.11 2010, First Special Session chapter 1, article 6, section 6, Laws 2013, chapter 114, article  
118.12 3, section 9, is repealed.

118.13 **EFFECTIVE DATE.** Paragraph (b) of this section is effective the day following  
118.14 final enactment.